

Amend Chapter 42-700 title and renumber Section 42-710 to Section 42-701 and amend to read:

Chapter 42-700 ~~GREATER AVENUES FOR INDEPENDENCE~~ WELFARE-TO-WORK

42-7010 INTRODUCTION TO ~~GAIN~~ WELFARE-TO-WORK

42-7010

HANDBOOK BEGINS HERE

.1 Background

~~AB 2580, Chapter 1025, Statutes of 1985, established the Greater Avenues for Independence (GAIN) Act of 1985. GAIN is a comprehensive statewide employment program for AFDC applicants and recipients.~~

~~In accordance with the intent of the Legislature, it is the duty of the state and the counties to recognize that:~~

- ~~(a) Applicants for, and recipients of, Aid to Families with Dependent Children (AFDC) desire to work, and will do so if provided with the opportunity.~~
- ~~(b) The state and counties shall provide applicants for, and recipients of, AFDC with the opportunity to obtain employment by offering a full range of employment training and supportive services, consistent with the needs of participants, that allow for informed choices in order to meet their employment goals.~~
- ~~(c) Able bodied applicants for, and recipients of, AFDC are expected to work. The time frames for fulfilling this expectation shall be set forth in an explicit contract between an applicant or recipient and the county.~~
- ~~(d) Applicants for, and recipients of, AFDC who are required to register for GAIN require special assistance because they are individuals in special need of employment and training opportunities. The Legislature finds and declares that these individuals are in the labor force actively seeking employment.~~
- ~~(e) Because the success of any program will depend on the state, it must exercise leadership to engender enthusiasm among counties, county welfare department directors, and county welfare department line staff, who are the principal contacts for many recipients enrolled in the program.~~
- ~~(f) A successful program should also be based upon all the following principles:
 - ~~(1) Recipients should be able to make choices and to live up to the responsibilities involved in those choices.~~~~

- (2) ~~Participants should have an early opportunity to obtain a job.~~
- (3) ~~Expenditures should be targeted where they can do the most good.~~
- (4) ~~The state and the counties have a responsibility to provide a sufficient level of services to meet the needs of participants, as well as to undertake sufficient public information efforts to make recipients, potential participants, employers, or other public or private entities aware of the components, opportunities, and benefits of this program.~~
- (5) ~~New programs should be good investments of public funds. Added costs to the system should be incurred only when they are likely to result in long-term personal and community payoff.~~
- (g) ~~Clients should not be placed in any unassigned pool while waiting for a scarce resource.~~
- (h) ~~Most types of employment and training program components for applicants for, and recipients of, AFDC have been successfully tried in this state.~~
- (i) ~~AFDC is available to persons who meet eligibility requirements. The GAIN program should not hamper continuation of this state's existing system of fraud detection, one of the most successful in the nation.~~

~~Accordingly, it is the duty of every involved county welfare department (CWD) employee to take all reasonable actions to promote the goals and objectives of the GAIN program and to provide appropriate and vigorous assistance to GAIN participants so that all those on public assistance may obtain unsubsidized employment.~~

~~HANDBOOK ENDS HERE~~

HANDBOOK BEGINS HERE

.1 Background

AB 1542, Chapter 270, Statutes of 1997, established the California Work Opportunity and Responsibility to Kids (CalWORKs) Act of 1997. The Welfare-to-Work Program is the employment and training aspect of CalWORKs that replaces the previous Greater Avenues for Independence (GAIN) program. Welfare-to-Work is a comprehensive statewide employment program designed to enable participants to achieve self-sufficiency through employment.

The intent of the Welfare-to-Work Program is to provide employment and training services to virtually all adult recipients. Some of the major changes brought about by Welfare-to-Work include:

- (a) Broader service scope. By reducing the number of adults eligible for exemption, a much larger segment of the adult assistance population is required to participate in work activities.
- (b) Minimum hourly participation requirements. All participants will be required to be engaged in employment and training activities for enough hours each week to allow for substantial progress toward employment while meeting the federal participation requirements.
- (c) Limited time on aid without working. Unless exempt, recipients will be required to work or participate in community service after 18 to 24 months on aid.
- (d) Expanded supportive services. In addition to child care, transportation, and ancillary services provided under GAIN, welfare-to-work supportive services will include, but not be limited to, mental health, substance abuse, and domestic violence services.

HANDBOOK ENDS HERE

.2 Definitions for Terms Used in This Chapter

- (a-) ~~"AWEX" means Alternative Work Experience, which is a training component as defined in Section 42-730.33.~~
- (1) "Adult Basic Education" means a welfare-to-work activity with instruction in reading, writing, arithmetic, high school proficiency, or general educational development certificate instruction, and English-as-a-second-language.
- (b-) Reserved
- (c-) (1) (Continued)
- (2) (Continued)
- (3) ~~"Child Care Resources and Referral Agency" means an agency which contracts with the State Department of Education to provide information to parents about available child care and to coordinate community resources for the benefit of parents and local child care providers.~~
- "Community Service" means a welfare-to-work training activity that is temporary and transitional, is performed in the public or private nonprofit sector under the close supervision of the activity provider, and provides participants with basic job skills that can lead to employment while meeting a community need.
- (4) ~~"Cost Effective" means provision of the most appropriate service at the most responsible cost, not necessarily the least costly.~~

- (64) "County Welfare Department (CWD)" means the agency that administers the CalWORKs program at the county welfare department level.
- (5) (Continued)
- (d-) (4) ~~"Deferred Registrant" means a registrant who is not required to participate in accordance with GAIN deferral criteria.~~
- (21) (Continued)
- (2) "Doctor" means a health care professional who is licensed by the state to diagnose/treat physical and mental impairments that can affect an individual's ability to work or participate in welfare-to-work activities. "Doctor" includes, but is not limited to, doctors of medicine, osteopathy, chiropractic, and licensed/certified psychologists.
- (e-) (1) "Employment" means work that is compensated at least at the applicable state or federal minimum wage. If neither wage rate applies, the work must be compensated in an amount equivalent to the lesser of the two.
- (2) "Exempt" means that an AFDC CalWORKs applicant or recipient is not required to be registered for GAIN participate in Welfare-to-Work activities as a condition of eligibility for aid.
- (f-) (1) (Continued)
- (g-) (1) "GAIN" means Greater Avenues for Independence.
- (2) ~~"GAIN Allocation Plan" means the CDSS plan which includes policies and parameters for allocating funds to the CWDs to administer the GAIN program.~~
- "Grant-Based On-The-Job Training (OJT)" means a welfare-to-work activity that is performed in the public or private sector in which the recipient's cash grant, or a portion thereof, or the aid grant savings resulting from employment, is diverted to the employer as a wage subsidy to partially or wholly offset the payment of wages to the participant. Grant-based OJT may include community service positions.
- (h-) Reserved
- (i-) (1) (Continued)
- (j-) Reserved
- (1) "Job Creation Plan" means a county plan for local job creation. The Trade

and Commerce Agency provides the funding for job creation activities that will provide employment for recipients.

(2) "Job Readiness Assistance" means a welfare-to-work activity that provides the recipient with training to learn basic job seeking and interviewing skills, to understand employer expectations, and to learn skills designed to enhance an individual's capacity to move toward self-sufficiency.

(3) "Job Search" means a welfare-to-work activity in which the participant's principal activity is to seek employment.

(k-) Reserved

(l-) (1) (Continued)

(m-) Reserved

(n-) Reserved

(o-) Reserved

(p-) (1) ~~"Participant" means a mandatory or voluntary registrant who is participating in GAIN.~~

(2) (Continued)

(3) ~~"Private Industry Council (PIC)" means an entity established for a service delivery area which provides policy guidance and oversees activities provided under the Job Training Partnership Act (JTPA) plan. The majority of PIC members represent the private sector.~~

(q-) Reserved

(r-) (1) ~~"Refugee Cash Assistance (RCA) GAIN Welfare-to-Work Participant" means a refugee applicant or recipient who meets the requirements of MPP Sections 69-206.12 and who is participating in GAIN the Welfare-to-Work Program as directed by the county plan.~~

(2) ~~"Refugee Resettlement Program (RRP) Services" means employment-directed services which are designed to remove the barriers to immediate employment. Services may include employment services, vocational training, vocational English as a second language, on the job training, English as a second language, and support services.~~

(3) ~~"Registrant" means an AFDC applicant or recipient who is registered for GAIN.~~

- (4) ~~"Registration" means that individuals who are nonexempt or who volunteer are automatically registered for GAIN.~~
- (s-) (1) ~~"Service Delivery Area (SDA)" means a geographical area comprised of one or more units of general local government designated by the Governor according to JTPA to promote effective delivery of job training services under JTPA.~~
- (21) ~~"Supplemental Refugee Services (SRS) GAIN Welfare-to-Work Component" means a supplemental services component, within the GAIN CalWORKs Welfare-to-Work Program, for AFDC CalWORKs refugees who would otherwise be temporarily excepted from the full range of GAIN Welfare-to-Work services due to GAIN Welfare-to-Work funding limitations.~~
- (32) ~~"Subsidized Employment" means an assignment employment in which the welfare-to-work participant's employer is partially or wholly reimbursed for wages and/or supervision and/or training costs.~~
- (3) ~~"Supported Work or Transitional Employment" means a welfare-to-work activity that is a form of grant-based OJT in which the participant's cash grant, or a portion thereof, or the aid grant savings from employment, is diverted to an intermediary service provider to partially or wholly offset the payment of wages to the participant.~~
- (t-) Reserved
- (1) ~~"Targeted Assistance (TA) Funded Services" means employment directed services to refugees which reduce dependency, promote self-sufficiency, enhance employment potential, as well as increase refugees' ability to find and retain jobs. Services may include, but are not limited to employment services, job development, on-the-job training, economic development, professional skills upgrading, licensing and certification, intake and assessment, vocational training, work experience, and supportive services.~~
- (2) ~~"Teen Parent" or "Teenage Parent" means a custodial parent or pregnant woman under 19 years of age.~~
- (3) ~~"Trustline Informing Notice" means the form (Child Care Programs [CCP] 2, Rev. 7/95) that explains the Trustline registration system and requirements and is provided to Title IV-A parents who choose a license exempt child care provider.~~
- (4) ~~"Trustline Registry" means a computer based registry of child care providers who have had a background check to ensure that child care providers have no disqualifying criminal convictions or substantiated reports of child abuse.~~

(u-) Reserved

(+) ~~"Unsubsidized Employment" means all employment other than subsidized employment.~~

(v-) (1) ~~"Volunteer" means an AFDC CalWORKs applicant or recipient who, though exempt from registration, not required to participate in the Welfare-to-Work Program, voluntarily chooses to participate in GAIN.~~

(w-) Reserved

(1) "Work Experience" means a welfare-to-work training activity in the public or private sector under the close supervision of the activity provider, that helps provide basic job skills, enhance existing job skills in a position related to the participant's experience, or provide a needed community service that will lead to unsubsidized employment.

(2) "Welfare-to-Work Plan" means a plan developed by the CWD and the participant that specifies the program activities in which a participant shall engage and the services that will be provided to the participant.

(x-) Reserved

(y-) Reserved

(z-) Reserved

Authority Cited: Sections 10531, 10553, and 10554, Welfare and Institutions Code.

Reference: Section 8172, Education Code; ~~Chapter 3 and Chapter 4, Division 8, Unemployment Insurance Code~~; Sections 10800, 11320, 11320.2, 11320.3(b)(3)(A), 11320.4, 11321.6, 11322, 11322.6, 11322.8, 11322.9, 11323.6, 11324.6, 11324.8, 11325.21, 11328.8, 11331.5(d), and 13280, Welfare and Institutions Code; Sections 15365.50 and 15365.55, Government Code 45 CFR 250.63(k); 42 USC 682(d)(1)(A)(ii)(IV).

Adopt new Section 42-710 to read:

42-710 18- AND 24-MONTH TIME LIMITS

42-710

- .1 Except as otherwise provided in these regulations, a parent or caretaker relative, whose beginning date of aid is in the month that the CalWORKs Welfare-to-Work Program is implemented in the county, or thereafter, is not eligible to receive aid for a cumulative period of more than 18 months, unless: 1) it is certified by the CWD that there is no job currently available for the recipient as specified in Section 42-710.5; and 2) the recipient works in unsubsidized employment and/or participates in community service activities for the required minimum hours in accordance with Section 42-711.4.
- .11 The time-limit period starts on the date the recipient signs, or refuses to sign without good cause, a welfare-to-work plan described in Section 42-711.6 et seq.
- .12 The CWD shall adopt criteria for extending the 18-month time limit for up to six months.
- .121 The criteria adopted by the CWD shall be used to determine if:
- (a) an extension is likely to result in unsubsidized employment; or
- (b) employment is not available due to local unemployment rates or economic conditions.
- .122 In determining whether an extension should be granted because it is likely to result in unsubsidized employment or because employment is not available, the CWD also may consider criteria related to the employability of the individual and other relevant factors.
- .2 Except as otherwise provided in these regulations, a parent or caretaker relative, who was receiving aid in the month prior to implementation of the Welfare-to-Work Program in the county, is not eligible to receive aid for a cumulative period of more than 24 months, unless: 1) it is certified by the CWD that there is no job currently available for the recipient as specified in Section 42-710.5; and 2) the recipient works in unsubsidized employment and/or participates in community service activities for the required minimum hours in accordance with Section 42-711.4.
- .21 The time-limit period starts on the date the recipient signs, or refuses to sign without good cause, a welfare-to-work plan described in Section 42-711.6 et seq.
- .3 A parent or caretaker relative recipient who has reached the 18- or 24-month time limit, who is working in unsubsidized employment for less than the required minimum hours, and for whom no job is currently available for the required number of hours, shall remain eligible for aid by participating in community service activities for the additional number of hours

necessary to meet the participation requirements in accordance with Section 42-711.4.

- .31 If an individual has received aid for a cumulative period of more than 18 or 24 months, as specified in Section 42-710.1 or .2, as applicable, and returns to aid after a break in aid of at least one month, the CWD shall determine whether to require the individual to participate in community service in accordance with Section 42-711.9 or in welfare-to-work activities described in Section 42-716.
- .4 No month in which aid has been received prior to January 1, 1998 shall be taken into consideration in computing the required 18- or 24-month time limits.
- .5 For purposes of these time limits, "no job is currently available" means that the recipient has taken and continues to take all the steps to apply for appropriate positions and has not refused an offer of employment without good cause.
- .6 A month of receipt of aid shall not count toward the 18- or 24-month time limit period when it is a month in which the individual is:

 - .61 Not required to participate in welfare-to-work activities because he/she is exempt from participation, in accordance with Section 42-712 et seq., and the condition is expected to last for at least 30 days,
 - .62 Eligible for, participating in, or exempt from the Cal-Learn Program.
 - .63 Sanctioned and removed from the assistance unit in accordance with Section 42-721.4, or,
 - .64 Participating in an approved SIP and participation is interrupted for good cause. (See Section 42-711.546.)

Authority Cited: Sections 10553, 10554, 10604, Welfare and Institutions Code.

Reference: Sections 10532(c)(2), 11320.1(c) and (d), 11320.3(b), 11325.23(c), 11327.5(c), 11454, and 11454.5(a), Welfare and Institutions Code.

Adopt new Section 42-711 to read:

42-711 WELFARE-TO-WORK PARTICIPATION REQUIREMENTS

42-711

.1 Program Information for Applicants

.11 At the time an individual applies for aid or at the time a recipient's eligibility for aid is determined, the CWD shall provide the individual, in writing and orally as necessary, with information including:

.111 A general description of education, employment, training opportunities, and the supportive services available, including transitional benefits.

.112 A description of the exemptions from required participation provided in Section 42-712 and the consequences of a refusal to participate in program components if not exempt.

.12 At the time an individual is required to participate in welfare-to-work activities, he or she shall receive a written preliminary determination, if applicable, that he or she is a member of a targeted group for purposes of any federal or state employer tax credit that may be operative.

.2 Cal-Learn Exclusion

.21 The provisions of Section 42-711 shall not apply to individuals who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769.

.3 Non-Cal-Learn 19-Year-Old Custodial Parents

.31 A 19-year-old custodial parent who has no high school diploma or equivalent and is not participating in Cal-Learn is required to participate in welfare-to-work activities only to earn a high school diploma or its equivalent.

.311 The CWD may determine that participation in education activities for the purpose of earning a high school diploma or equivalent is inappropriate for a 19-year-old custodial parent:

(a) On the basis of an evaluation which indicates that, because of a learning disability or medical problem, the individual is unable to successfully complete or benefit from these educational activities; or

(b) If at appraisal, the parent is already in an educational or vocational program that is approvable as a SIP in accordance with Section 42-711.541.

.32 A 19-year-old custodial parent who has a high school diploma or equivalent is required to participate in welfare-to-work activities and is subject to all program requirements.

.4 Hours of Participation

.41 Adult in One-Parent Assistance Unit

.411 Unless exempt from participation, an adult recipient in a one-parent assistance unit shall participate each week in welfare-to-work activities for a minimum average of at least:

(a) 20 hours each week beginning January 1, 1998.

(b) 26 hours each week beginning July 1, 1998.

(c) 32 hours each week beginning July 1, 1999, and thereafter.

.412 The CWD has the option to require all recipients, or individual recipients, in one-parent assistance units to participate in welfare-to-work activities up to 32 hours each week.

.413 In no event shall the adult recipient participate in welfare-to-work activities less than the hours of participation required under current and future federal law for the entire time period on aid. (See Section 42-714.2.)

.42 Adult(s) in Two-Parent Assistance Unit

.421 Unless exempt from participation, an adult recipient whose basis for aid is unemployment shall participate in at least 35 hours of welfare-to-work activities each week that will meet the hours of participation required under current and future federal law.

(a) However, both parents in a two-parent assistance unit may contribute toward the 35-hour requirement, if at least one parent meets the federal work requirement of a minimum average of 20 hours per week.

.422 If the family receives federally-funded CalWORKs child care (see Section 47-220.3), both parents shall participate to meet the family's minimum participation requirement of at least 55 hours per week in work activities.

(a) The 55-hour requirement does not apply to the family if an adult in the family is disabled, caring for a severely disabled child, or if nonfederal funds are used for child care.

.5 Assignment of Recipients to Welfare-to-Work Activities

.51 After aid has been granted, recipients who are not exempt in accordance with Section 42-712, shall participate in welfare-to-work activities in the following sequence.

.52 Appraisal

.521 Recipients are required to participate in the appraisal specified in Section 42-711.522. At the option of the CWD, applicants may voluntarily participate.

.522 During the appraisal, the CWD shall inform the individual of the requirement to participate in available welfare-to-work activities and of available supportive services.

(a) During the appraisal, the individual shall provide information about their employment history and skills, need for supportive services, and any other relevant information the CWD requires in order to assign welfare-to-work activities appropriately.

.53 Job Search

.531 Recipients are required to participate in job search activities. At the option of the CWD, applicants may voluntarily participate. Exceptions to the requirement that all recipients must participate in job search activities are as follows:

(a) The CWD determines that participation in job search would not be beneficial pursuant to Section 42-711.551(b).

(b) Participation in job search is optional pursuant to Section 42-711.535.

.532 Upon completion of the appraisal specified in Section 42-711.52, all participants, except those specified in Section 42-711.535, shall be assigned to participate for a period of up to four consecutive weeks in job search activities.

(a) Job search activities may include use of job clubs to identify the participant's qualifications.

(b) The CWD shall consider the skills and interests of participants in developing a job search strategy.

.533 The period of job search activities may be shortened if the participant and the CWD agree that further activities would not be beneficial.

(a) At the option of the CWD, the period of job search activities may be shortened for a recipient if the CWD determines that the recipient will not benefit because he or she may suffer from an emotional or mental disability that will limit or preclude the recipient's participation in welfare-to-work activities.

.534 Job search activities may be required in excess of four weeks if the CWD determines that the recipient's performance during job search indicates unsubsidized employment would result from extending the job search period.

.535 An individual is not required, but is permitted, to participate in job search in accordance with Section 42-711.53, if:

(a) The job search schedule will interfere with unsubsidized employment or participation in an approved SIP as specified in Section 42-711.54; or,

(b) The individual is required to participate in Cal-Learn or is 19 years old and has not yet earned a high school diploma or equivalent certificate.

(1) These individuals are required to participate in the job search activities upon reaching age 20 or earning a high school diploma or its equivalent, if they have not already taken the option to complete job search activities as their first program assignments following appraisal.

.536 Individuals shall continue to seek employment throughout their participation in welfare-to-work activities.

.54 Self-Initiated Programs (SIPs)

.541 Except as provided by Section 42-711.542, any recipient who, at the time he or she is initially required to participate in welfare-to-work activities in accordance with Section 42-712.1, is enrolled in any undergraduate degree or certificate program that leads to employment may continue in that program for the 18- or 24-month time periods specified in Section 42-710, as applicable, if:

(a) He or she is making satisfactory progress in that program;

(b) The CWD determines that continuing in the program is likely to lead to self-supporting employment for that recipient; and

(c) The welfare-to-work plan reflects that determination.

.542 Any individual who possesses a baccalaureate degree will not be eligible to participate in a SIP unless the individual is pursuing a California regular classroom teaching credential in a college or university with an approved teacher credential preparation program.

.543 A program will be determined to lead to employment if it is on a list of programs that the CWD and local education agencies or providers agree lead to employment.

(a) The list must be agreed to annually, with the first list completed no later than January 31, 1998.

(1) By January 1, 2000, all educational providers must report data regarding programs on the list for the purposes of the report card established under Section 15037.1 of the Unemployment Insurance Code for the programs to remain on the list.

(b) For recipients not in a program on the list, the CWD shall determine if the program leads to employment.

(1) The recipient shall be allowed to continue in the program within the 18- or 24-month time period specified in Section 42-710 if the recipient demonstrates to the CWD that the program will lead to self-supporting employment for that recipient and the documentation is included in the welfare-to-work plan.

(c) Any recipient in any degree, certificate, or vocational program offered by a private postsecondary training provider will not be approved in a self-initiated training or education program unless the program is either approved or exempted by the appropriate state regulatory agency and the program is in compliance with all other provisions of the law.

HANDBOOK BEGINS HERE

- (1) Degree, certificate, or vocational programs offered by private postsecondary schools are either: approved or exempted by the Department of Consumer Affairs, Bureau for Private Postsecondary and Vocational Education or accredited by the Western Association of Schools and Colleges.

HANDBOOK ENDS HERE

- .544 If participation in a SIP, as determined by the number of hours required for classroom, laboratory, or internship activities, is not at least 32 hours, the CWD shall require concurrent participation in work activities to reach the 32-hour requirement.
- .545 Participation in the self-initiated education or vocational training program must be reflected in the required welfare-to-work plan.
- (a) The welfare-to-work plan shall provide that whenever an individual ceases to participate in, refuses to attend regularly, or does not maintain satisfactory progress in the SIP, the individual shall participate in the welfare-to-work activities in accordance with Section 42-711.5.
- .546 Any person whose previously approved SIP is interrupted for reasons that meet the good cause criteria in Section 42-713.2 may resume participation in the same program if the participant maintained good standing in the program while participating and the SIP continues to meet the approval criteria.
- (a) The CWD shall adjust the completion date of the program, accounting for the time of absence to allow the participant a cumulative time frame of 18 or 24 months as specified in Section 42-710.
- .547 Any recipient may continue until the beginning of the next educational semester or quarter, his or her educational program that does not meet the criteria of Section 42-711.541, if the recipient:
- (a) at the time of the welfare-to-work appraisal, was enrolled in and making satisfactory progress in, the educational program;
- (b) prior to the date that the CWD implemented its Welfare-to-Work Program, was enrolled in and making satisfactory progress in the program; and
- (c) continues to make satisfactory progress in the program.

.548 At the time the educational break occurs as provided in Section 42-711.547, the individual is required to participate in welfare-to-work activities pursuant to Section 42-711.51.

(a) The time spent in the educational program will count toward the time limits specified in Section 42-710.

.549 A recipient, described under Section 42-711.547, who is not expected to complete the program by the next break, may continue his or her education under the time frames in Section 42-710, provided:

(a) He or she transfers at the end of the current quarter or semester to a program that qualifies under Section 42-711.541;

(b) The CWD determines that participation is likely to lead to self-supporting employment of the recipient; and

(c) The welfare-to-work plan reflects that determination.

.55 Assessment

.551 Participants, except those excluded as provided in Sections 42-711.557 and 42-719.111, shall be referred to assessment, if:

(a) Unsubsidized employment is not found during the job search period;

(b) The CWD determines that participation in job search will not be required as the first activity because it would not be beneficial, or;

(c) The CWD decides to shorten job search because it is not likely to lead to employment.

.552 Notwithstanding the fact that an individual is employed for the minimum number of hours pursuant to Section 42-711.4, the CWD shall require that the individual participate in assessment.

.553 Upon referral to assessment, a participant shall work with the CWD to develop and agree on a welfare-to-work plan, on the basis of the assessment of the individual's skills and needs. The plan shall specify the activities to which the participant will be assigned and the supportive services to be provided.

- (a) If it is determined, on the basis of the assessment, that the individual is more likely to become economically self-sufficient by participating in welfare-to-work activities other than the employment in which the individual is already engaged, the welfare-to-work plan shall assign the individual to these other activities up to the total number of hours required under Section 42-711.4.
- (b) Notwithstanding the provisions of Section 42-711.553(a), assignment to a work experience or community service activity is limited to those hours necessary to fulfill the individual's minimum hours of participation required by Section 42-711.4, after taking into account the individual's hours of subsidized and unsubsidized employment.

.554 The assessment shall include at least all of the following:

- (a) The participant's work history and an inventory of his or her employment skills, knowledge, and abilities.
- (b) The participant's educational history and present educational competency level.
- (c) The participant's needs including the need for supportive services in order to obtain the greatest benefit from the employment and training services offered under CalWORKs.
- (d) An evaluation of the chances for employment given the current skills of the participant and the local labor market conditions.
- (e) Local labor market information.
- (f) Physical limitations or mental conditions that limit the participant's ability for employment or participation in welfare-to-work activities.
- (g) Identification of available resources to complete the welfare-to-work plan.

.555 The CWD may contract with outside parties, including local educational agencies and service delivery areas, to provide the assessment.

.556 If the participant and assessor are unable to reach agreement on the welfare-to-work plan, the matter shall be referred by the CWD for an independent assessment by an impartial third party.

- (a) The results of this assessment, which shall be binding upon the county and the participant, shall be used to develop the appropriate plan for the participant.
- (b) No third party assessment shall be made by a party having any financial or other interest in the result of the assessment. The party making the assessment must be selected by the county according to an unbiased procedure.
 - (1) No state hearing shall be granted regarding the development of an employment plan until an independent third party assessment has been performed.

.557 An assessment shall not be required to develop a welfare-to-work plan for participants in approved SIPs unless the CWD determines that an assessment is necessary to assign the participant to concurrent activities to meet the minimum 32-participation-hours per week in accordance with Section 42-711.51 or 42-711.52.

.56 Mental Health Assessment

If there is a concern that a mental disability exists that will impair the ability of a recipient to obtain employment, he or she shall be referred to the county mental health department.

HANDBOOK BEGINS HERE

.561 Subject to appropriations in the Budget Act, the county mental health department shall evaluate the recipient and determine any treatment needs.

.562 The evaluation shall include:

- (a) The extent to which the individual is capable of employment at the present time and under what working and treatment conditions the individual is capable of employment.
- (b) Prior diagnoses, assessments, or evaluations that the recipient provides.

.563 Each CWD shall develop individual welfare-to-work plans for participants with mental or emotional disorders based on the evaluation conducted by the county mental health department.

- (a) The recipient's welfare-to-work plan shall include appropriate employment accommodations or restrictions, supportive services, and treatment requirements. (See Section 42-716.5, mental health treatment services.)
- (b) Any prior diagnosis, evaluation, or assessment provided by the recipient shall be considered in the development of his or her welfare-to-work plan.

HANDBOOK ENDS HERE

.57 Substance Abuse Assessment

If there is a concern that a substance abuse problem exists that will impair the ability of a recipient to obtain or retain employment, he or she shall be referred to the county alcohol and drug program for an evaluation and determination of any treatment necessary for the participant's transition from welfare to work.

.58 Evaluation

A participant with a suspected learning or medical problem, as determined by information received during appraisal or assessment or by lack of satisfactory progress in an assigned activity component, shall be referred to an evaluation to determine whether the participant is unable to successfully complete or benefit from a current or proposed activity assignment. As part of the evaluation, the CWD may require the participant to undergo the appropriate examinations to obtain information regarding the participant's learning and physical abilities.

.581 Based upon the results of the evaluation, the CWD may refer the participant, as appropriate, to any of the following:

- (a) Any of the welfare-to-work activities described in the welfare-to-work plan including referrals to the participant's previous activities.
- (b) Existing special programs that meet specific needs of the participant.
- (c) Job search services if the CWD determines the participant has the skills needed to find a job in the local labor market.
- (d) Assessment or reappraisal in accordance with Sections 42-711.55 and .7, respectively.
- (e) Rehabilitation assessment and subsequent training.

.582 The participant shall be involved in the decisions made during the evaluation and will have the same right to appeal through the state hearing process, specified in Section 42-721.5, as other program participants.

.6 Welfare-to-Work Plan

.61 After assessment, any recipient of aid who is required or who volunteers to participate in welfare-to-work activities shall enter into a written welfare-to-work plan with the CWD as soon as administratively feasible.

.611 The plan shall include the activities and services that will move the participant into employment and toward self-sufficiency.

.62 A participant shall take part in one or more welfare-to-work activities, as defined in Section 42-716, for the required minimum hours provided in the welfare-to-work plan until he or she has reached the 18- or 24-month time limit.

.63 The plan shall be written in clear and understandable language and have a simple, easy-to-read format.

.631 The plan shall contain at least all of the following general information:

(a) A general description of the welfare-to-work activities including available activity components and supportive services

(b) A general description of the rights, duties, and responsibilities of the participants, including a list of the exemptions from the required participation, the consequences of a refusal to take part in the program activity(ies), and the criteria for successful completion of the program.

(c) A statement that the participant has a grace period of 30 days from the beginning of the initial training or education assignment activity in which to request a change or reassignment to another activity.

(d) School attendance requirements for children in the assistance unit.

.632 The plan shall specify, and shall be amended to reflect changes in, the participant's welfare-to-work activities, a description of needed supportive services to be provided, and specific requirements for successful completion of assigned activities including required hours of participation.

(a) The plan shall also address school attendance of all children in the assistance unit for whom school attendance is compulsory, as specified in Section 40-105.5, and identify any participation required of the parent by the school to ensure the child's attendance. Such

hours by the parent shall count toward the required hours of participation as defined in Section 42-711.4.

.633 Participation in activities assigned under the welfare-to-work plan may be sequential or concurrent. The CWD may require concurrent participation in the assigned activities if it is appropriate to the participant's abilities, consistent with the participant's welfare-to-work plan, and the activities can be concurrently scheduled.

.634 If the CWD determines it to be appropriate and necessary for the removal of the participant's barriers to employment, an individual who lacks basic literacy or mathematics skills, a high school diploma or general educational development certificate, or English language skills, shall be assigned to participate in adult basic education as specified in Section 42-716.111(k).

.635 The participant shall maintain satisfactory progress in the activities to which the participant is assigned, and the CWD shall provide the necessary supportive services as set forth in the plan.

.636 The CWD shall allow the participant three (3) working days after the completion of the welfare-to-work plan or subsequent amendments to the plan in which to evaluate, and request changes to, the terms of the plan.

.637 The participant has 30 days from the beginning of the initial welfare-to-work activity in which to request a change or reassignment to another activity or component of the activity.

(a) The CWD shall grant the participant's request for reassignment if another assignment is available and consistent welfare-to-work plan and the CWD determines the other activity will readily lead to employment.

(b) This grace period will be available only once to each participant.

.638 If an activity to be provided under the welfare-to-work plan is not immediately available to the participant, he or she shall be assigned to job search and/or job readiness activities until the education or training activity designated in the plan is available.

(a) Job search activities are subject to the limits described in Section 42-711.53.

HANDBOOK BEGINS HERE

(b) An individual's participation in job search and job readiness activities will count toward meeting the federal work participation rates for only

a few weeks per year. See Section 42-714.3(f).

HANDBOOK ENDS HERE

.7 Reappraisal

.71 The CWD shall conduct a reappraisal of any participant who does not obtain unsubsidized employment upon completion of all activities in his or her welfare-to-work plan, unless the participant has reached the 18- or 24-month time limit. The reappraisal shall evaluate whether there are extenuating circumstances, as defined by the CWD, that prevent the participant from obtaining employment within the local labor market area.

.711 If the CWD determines that extenuating circumstances exist, the participant shall be assigned to additional activities consistent with the reappraisal.

.712 If extenuating circumstances do not exist, and until the CWD reverses this determination or the participant reaches the 18- or 24-month time limit, the participant is required to participate for the required minimum hours in activities that are limited to the following:

(a) Unsubsidized employment.

(b) Work experience as defined in Section 42-701.2(w)(1).

(c) Job skills training directly related to employment.

(d) Mental health, substance abuse, and/or domestic violence services in accordance with Sections 42-716.5, 42-716.6, and 42-716.111(q), respectively.

.8 Satisfactory Participation

.81 The criteria for satisfactory participation in an assigned education or training activity include regular attendance and satisfactory progress. A participant who fails or refuses to comply with program requirements for participation in the activities assigned pursuant to Section 42-711, and whose failure to make satisfactory progress is not due to a learning or medical problem, shall be subject to compliance and sanction requirements in accordance with Sections 42-721.2 and .4, respectively.

.9 Community Service After Time Limits

.91 The participant shall remain eligible for aid only if he or she works in unsubsidized employment and/or participates in community service activities for the required minimum hours in accordance with Section 42-716.4, if:

-
- .911 The participant has reached the 18-month time limit (and exhausted any extension granted) or the 24-month time limit, as applicable;
 - .912 The participant has not found unsubsidized employment sufficient to meet the required minimum hours of participation; and
 - .913 The CWD has certified that no job is currently available for the participant, in accordance with Section 42-710.5.
 - .92 For participants who have reached the 18- or 24-month time limits, the CWD shall provide community service activities and provide supportive services as described in Section 42-716.4. The changes to the activities and supportive services shall be reflected in an amended welfare-to-work plan.
 - .921 A participant may take part in community service activities until he or she has received aid for a total of 60 months.
 - .93 Participants in community service activities shall participate in the community service activities for the number of hours required by Section 42-711.4, less the number of hours spent in unsubsidized employment.
 - .94 Any participant in community service activity who fails to comply without good cause shall be sanctioned in accordance with Section 42-721.4.
 - .95 See Section 42-710.31 for circumstances under which the CWD may require the individual to participate in welfare-to-work activities rather than community services.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11253.5(b), 11320.1, 11320.3(d) and (e), 11320.15, 11322.8, 11322.9, 11324.8(a) and (b), 11325.2, 11325.21, 11325.22(a), (b), and (f), 11325.23(a), (b), (c), (e), and (f), 11325.25, 11325.4, 11325.5, 11325.6, 11325.7, 11325.8, 11326, 11327.4, and 11454(a), Welfare and Institutions Code; and 42 U.S.C. 607(c)(1)(A), (c)(1)(B)(ii), and (c)(2)(A)(i).

Renumber Section 42-788 to Section 42-712, Section 42-789 to Section 42-712.41, Section 42-790 to Section 42-712.42, Section 42-792 to Section 42-712.43, Section 42-793 to Section 42-712.44, Section 42-795 to Section 42-712.46, Section 42-796 to Section 42-712.47, Section 42-797 to Section 42-712.48 and Section 42-788.11 to Section 42-712.5, and amend to read:

42-78812 EXEMPTIONS FROM WELFARE-TO-WORK PARTICIPATION 42-78812

- .1 Every individual is required to participate in welfare-to-work activities as a condition of eligibility for cash aid under CalWORKs, unless exempt in accordance with Section 42-712.4.
- .2 Recipients are required to provide the documentation that is necessary to substantiate any claim to an exemption.
 - .21 CWDs shall advise recipients about the range of documents that is acceptable to verify exemptions.
- .3 The only exemption for not participating in welfare-to-work activities described in Section 42-712 that applies to teens who are subject to the Cal-Learn Program, as described in Sections 42-762 through 42-769, is the exemption based on disability, in Section 42-712.44. Other exemptions specific to the Cal-Learn Program are found at Section 42-763.2.
- ~~.14~~ ~~Applicants for and recipients of Aid to Families with Dependent Children (AFDC) Individuals who meet any of the criteria specified in Sections 42-789 through 42-799 42-712.41 through 42-712.48 are exempt from registration for and participation in the Greater Avenues for Independence (GAIN) program participating in welfare-to-work activities as a condition of eligibility for cash aid under CalWORKs for so long as the condition(s) described in such sections exist.~~
- ~~.2~~ ~~Counties shall provide written notification of an exemption determination to the AFDC applicant or recipient:~~
 - ~~.21~~ ~~Prior to the date that the county sends a written notice of GAIN registration, as specified in Section 42-760.4; and~~
 - ~~.22~~ ~~Following receipt of a written request for an exemption from the individual.~~
- ~~.3~~ ~~Counties shall promptly notify such individuals when:~~
 - ~~.31~~ ~~Their status changes from exempt to mandatory (see Section 42-760.5); or,~~
 - ~~.32~~ ~~Their status changes from mandatory to exempt.~~

~~.321~~ In the case of an individual whose status changes from mandatory to exempt, the individual's case manager shall also be notified.

~~.4~~ Only those exemptions specified in Sections 42-791, 42-793 and 42-799 shall apply to teen parents who are subject to the Cal Learn Program as described in Sections 42-762 through 42-769 when that Program is operative.

~~42-789~~

~~.41~~ ~~EXEMPTION BASED ON AGE UNDER~~ Exemption Based on Age Under 16
(CODE 01) 42-789

~~.411~~ ~~The Exemption~~ All children under age 16 years of age are is exempted from GAIN registration participating in welfare-to-work activities.

~~.2~~ Documentation

~~This exemption is documented by any document which substantiates the claim of age, (see Section 42-111).~~

~~.3~~ Review

~~Review this exemption 30 days prior to the individual's 16th birthday and at the annual reinvestigation.~~

~~42-790~~

~~.42~~ ~~EXEMPTION BASED ON SCHOOL ATTENDANCE~~ Exemption Based on School Attendance (CODE 02) 42-790

~~.1~~ The Exemption

~~.421~~ An individual 16, 17, or 18 years of age is exempt from welfare-to-work participation when he/she is attending full-time, a school in grade twelve or below, or vocational or technical school. An individual who is 16 or 17 years old or a custodial parent who is under 20 years old described in Section 42-77211.73 and whose required ~~GAIN~~ welfare-to-work activity is to attend school shall not requalify for this exemption by attending school as a required welfare-to-work activity, in accordance with Section 42-719.

~~.11~~ ~~Attending full time means the child is currently enrolled in a full-time program.~~

~~.12~~ Full Time

(a) A full-time program shall be as defined by the school.

~~.2 Documentation~~

~~This exemption is documented by:~~

~~.21 Any document which substantiates the claim of age; and~~

~~.22 Any document or evidence from the school which substantiates the claim of enrollment in a full-time program. This includes letters, grade cards, and notes brought by the student from the school.~~

~~.3 Review~~

~~Review the exemption:~~

~~.31 Thirty days prior to the individual's 18th birthday and~~

~~.32 Thirty days prior to the individual's 19th birthday and~~

~~.33 At the annual reinvestigation and~~

~~.34 At the beginning or shortly after the beginning of the school term.~~

~~NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Section 11310(b)(2), Welfare and Institutions Code; and 45 CFR 250.30(b)(1)(ii).~~

~~42-792~~

~~.43 EXEMPTION BASED ON AGE 60 OR OLDER Exemption Based on Age 60 or Older (CODE 04) 42-792~~

~~.1 The Exemption~~

~~.431 All individuals age An individual who is 60 years of age or older are is exempted from GAIN registration participating in welfare-to-work activities.~~

~~.2 Documentation~~

~~Any document which substantiates the claim of age (see Section 42-111) will support this exemption.~~

~~.3 Review~~

~~No review is required.~~

~~NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 45 CFR 250.30(b)(4).~~

.44 ~~EXEMPTION BASED ON INCAPACITY~~ Exemption Based on Disability
 (CODE 05) 42-793

~~.1 The Exemption~~

.441 An individual who has a disability is exempt from GAIN registration based on incapacity when it is verified that: (a) the individual has a physical or mental impairment which prevents the individual from engaging in employment or training and the verification establishes that the impairment welfare-to-work participation when the following conditions exist:

- (a) The disability is expected to have a duration of last at least 30 calendar days; and or (b) the individual is under age 20, does not possess a high school diploma or equivalent, and her physician prescribes a specified period of postpartum recovery.
- (b) The disability significantly impairs the individual's ability to be regularly employed or participate in welfare-to-work activities.

~~11 The exemption for postpartum recovery provided in Section 42 793.1 shall not apply to teen parents who are subject to the Cal Learn Program as described in Sections 42-762 through 42-769 when that Program is operative.~~

.442 To qualify for this exemption, the individual shall do all of the following:

- (a) Provide verification from a doctor as defined in Section 42-701.2(d)(2) that includes the disability, the expected duration of the disability, and the extent to which the disability impairs employment and/or participation in the welfare-to-work activities; and
- (b) Actively seek appropriate medical treatment, as verified by a doctor as defined in Section 42-701.2(d)(2).

2 Documentation

~~The exemption based on incapacity is supported by any of the following:~~

~~.21 A written or verbal statement from a physician or a licensed or certified psychologist or by a member of his staff with access to the patient's medical records that includes the following:~~

- (a) ~~The individual has a physical or mental defect which, by itself or in conjunction with age, prevents him/her from engaging in employment or training;~~

~~An individual who is able to work part time, but is unable to work full time because of his/her incapacity is included in this exemption.~~

- ~~(b) The expected duration of the condition or impairment.~~
- ~~(c) If the incapacity is due to postpartum recovery, the delivery date of birth, the identification of any postpartum complications and the anticipated recovery date.~~
- ~~(d) The doctor's name and address and phone number.~~

~~.211 If obtained verbally, documentation must include the date verification was obtained, the name of the person who supplied the verification, and the name of the county person who obtained the verification.~~

~~.212 A statement signed by the doctor which includes the above information and which is brought to the county by the recipient is acceptable.~~

~~.213 Form CA 61, Medical Report, will be required only when verification of incapacity cannot be obtained by other means, i.e., the person is not currently receiving medical care and no currently valid medical evidence is available and it is necessary to obtain a medical examination to establish evidence of the person's incapacity.~~

~~.22 The receipt of OASDI benefits based on the individual's own disability is acceptable evidence when verified by a copy of the award letter, or written verification from Social Security.~~

~~.23 The receipt of SDI or Workers' Compensation is acceptable evidence for the period covered by the benefit when verified by a copy of the award letter or other written verification.~~

~~.3 Review~~

~~.31 If the individual's condition is considered permanent (expected to last more than one year), the condition is to be reviewed at the annual reinvestigation or;~~

~~.4432 If the condition is not considered permanent, and specifies an expected duration of the condition, the exemption is to may be reviewed at the time the condition is expected to end, or sooner if there is reason to believe that there has been a change in the condition.~~

~~.4 Referral to Department of Rehabilitation~~

~~.41 The county is required to refer individuals exempt under Code 05 to the Department of Rehabilitation, except for individuals exempt due to postpartum recovery or~~

~~postpartum complications as specified in Section 42-793.11.~~

~~.42 The exempt individual is not required to accept such a referral as a condition of eligibility.~~

~~.5 Difference Between Exemption Based on Illness (Code 03) and Incapacity (Code 05)~~

~~.51 The distinction between the illness and incapacity exemption is primarily based on the duration of the individual's condition as indicated by medical documentation.~~

~~.511 Where the duration of the individual's condition is short term or unknown, the code 03 exemption shall apply.~~

~~.512 When the duration of the individual's condition is permanent or expected to have a duration of at least 30 calendar days, the code 05 exemption shall apply.~~

~~.45 Exemption Based on an Aided Nonparent Relative Caring for a Child Who Is a Dependent or Ward of the Court or a Child at Risk of Placement in Foster Care~~

~~.451 An aided nonparent caretaker relative who has primary responsibility for providing care for a child is exempt from welfare-to-work participation when he or she is caring for a child who:~~

~~(a) Is a dependent or ward of the court, or~~

~~(b) The county has determined is at risk of placement in foster care.~~

~~.452 For an aided nonparent caretaker relative to qualify for this exemption, the CWD shall determine that his or her caretaking responsibilities:~~

~~(a) Are beyond those considered normal day-to-day parenting responsibilities, and~~

~~(b) Impair the caretaker relative's ability to be regularly employed or to participate in welfare-to-work activities.~~

~~NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 11310(d)(3) and 11332(e), Welfare and Institutions Code; 45 CFR 250.30(b)(3); and Letters from the Department of Health and Human Services, Administration for Children and Families, dated February 29, 1996, March 11, 1996, and March 12, 1996.~~

~~42-795~~

~~.46 EXEMPTION BASED ON CARE OF ANOTHER INDIVIDUAL IN HOUSEHOLD Exemption Based on the Care of an Ill or Incapacitated Member of the Household (CODE 07) 42-795~~

~~.1 The Exemption~~

~~.461 An individual is exempt from participating in welfare-to-work activities when his/her presence in the home is required on a substantially continuous basis because of the physical or mental impairment illness or incapacity of another member of the household and there is no other appropriate member of the household who is available and capable of providing the care.~~

~~(a) For an individual to qualify for this exemption, the CWD shall determine that the caretaking responsibilities impair the ability of the parent or caretaker to be regularly employed or to participate in welfare-to-work activities.~~

~~.2 Documentation~~

~~This exemption is documented by:~~

~~.21 A written or verbal statement from a physician or a licensed or certified psychologist or a member of his/her staff verifying that the physician or psychologist has determined that the individual in the household is physically or mentally impaired and someone is needed in the home to provide care.~~

~~.211 If obtained verbally, documentation must include the date the statement was obtained, the name of the person who supplied the statement, and the name of the county person who obtained the statement.~~

~~.22 The CWD determination that the individual requesting exemption is the most feasible person to render the care.~~

~~.3 Review~~

~~Review this exemption at:~~

~~.31 The annual reinvestigation, and~~

~~.32 The time the individual's condition is expected to end if the expected duration of the condition is less than a year, or~~

~~.33 When the CWD believes there has been a change in the recipient's circumstances that would affect the exemption.~~

~~42-796~~

~~.47 EXEMPTION BASED ON THE CARE OF A CHILD UNDER THREE Exemption
Based on the Care of a Child (CODE 08) 42-796~~

~~.1 The Exemption~~

- ~~.471~~ The parent or other relative ~~of a child under age three~~ who has primary responsibility for is personally providing care ~~for the~~ to a child six months of age or under is exempt from ~~GAIN registration except as provided in Sections 42-772.7, 42-788.4, 42-796.11, .13, and .14.~~ welfare-to-work participation.
- ~~.11~~ (a) An individual shall be eligible for the exemption in Section ~~42-796.1~~ 42-712.47 only one time ~~during a continuous period of eligibility for AFDC in the State of California.~~ under the CalWORKs program.
- (b) On a case by case basis, the CWD may reduce the period of exemption to the first 12 weeks, or increase it to the first 12 months, after the birth or adoption of the child.
- (1) The CWD shall establish criteria by which the period of exemption in Section 42-712.471 is reduced or extended.
- (A) In making the determination to extend the period of exemption after the birth or adoption of a child, the CWD may consider the availability of child care, local labor market conditions, and other factors the CWD determines are applicable.
- ~~.111~~ For purposes of the exemption in this section, a "period of eligibility for AFDC" ~~shall be considered to be continuous until the individual has had a break in eligibility for aid of six consecutive calendar months or more.~~
- ~~.112~~ An individual who has previously received this exemption and who has responsibility for personally providing care to a child under age three shall be exempt for four months upon the birth or adoption of another child. (CODE 12)
- ~~.12~~ The CWPDP control county shall not apply the limits specified in Section ~~42-796.11~~ to control group members for the duration of the CWPDP evaluation.
- ~~.13~~ (c) Upon graduation from high school or an equivalent program, for purposes of ~~GAIN~~ welfare-to-work participation, the exemption in Section ~~42-796.1~~ 42-712.47 shall not apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative.
- ~~.472~~ An individual who has previously received the exemption in Section 42-712.471 shall be exempt for a period of 12 weeks upon the birth or adoption of any subsequent children.

(a) The CWD may extend the period for an exemption in Section 42-712.472 to six months on a case by case basis.

(1) The CWD shall establish criteria by which the period specified in Section 42-712.472 is extended.

(A) In making the determination to extend the period of exemption after the birth or adoption of a child, the CWD may consider the availability of child care, local labor market conditions, and other factors the CWD determines are applicable.

~~.14~~ .473 In a family eligible for aid due to the unemployment of the principal wage earner, the exemption in Section 42-796.1 42-712.47 shall apply to only one parent in an AFDC-U case.

~~.2~~ Documentation

~~.21~~ Documentation for the exemption of a parent or other relative of a child under age three is:

(a) Any document which substantiates the age of the child; and

(b) Any document which substantiates that the parent or other relative is personally providing care for the child. The parent's or other relative's sworn statement under penalty of perjury shall be considered sufficient for this purpose.

~~.3~~ Review

Review this exemption:

~~.31~~ At the annual reinvestigation, and

~~.32~~ Thirty days before the youngest child's third birthday.

~~NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 11320.3(b)(6), 11331.5(b) and 11334, Welfare and Institutions Code.~~

~~42-797~~

.48 EXEMPTION BASED ON PREGNANCY Exemption Based on Pregnancy (CODE 09) 42-797

~~.1~~ The Exemption

.481 An individual A woman who is pregnant is exempt if she is in at least the

~~fourth month of pregnancy.~~ from welfare-to-work participation if the pregnancy impairs her ability to be regularly employed or participate in welfare-to-work activities.

~~.2~~ Documentation

(a) ~~The exemption based on pregnancy is supported by the following:~~ medical verification that the woman is pregnant and the pregnancy impairs the woman's ability to be regularly employed or participate in welfare-to-work activities.

~~.482~~ An exemption based on a medically-verified pregnancy may also be granted when the CWD determines that participation will not readily lead to employment or that a training activity is not appropriate.

~~.21~~ Written or verbal verification from a physician or a licensed nurse practitioner of the anticipated birth date.

~~.211~~ If obtained verbally, documentation must include the date verification was obtained, the name of the person who supplied the verification, and the name of the county person who obtained the verification.

~~.3~~ Review

~~A review of this exemption is required at the time of the anticipated delivery date for an individual under age 20 and who does not possess a high school diploma or equivalent.~~

~~42-788.11~~

~~.5~~ Such Any individuals who is not required to participate may volunteer to participate in GAIN welfare-to-work activities and may end that participation at any time without loss of eligibility for aid, provided his or her status has not changed in a way that requires participation.

~~.51~~ An individual who is exempt but who volunteers to participate is not subject to the 18- or 24-month time limits described in Section 42-710, provided his or her status has not changed in a way that requires participation.

~~.52~~ An individual who is not required to participate for reasons other than the exemptions described in Sections 42-712.41 through .48, but who volunteers to participate, is subject to the 18- or 24-month time limits described in Section 42-710.

HANDBOOK BEGINS HERE

~~.521~~ For example, in a two-parent family the second parent is not required to participate when the first parent is meeting the required participation hours. However, if the second parent chooses to participate, he/she is subject to the 18- or 24-month time limits.

HANDBOOK ENDS HERE

- .6 The impact of exemptions on the 18- or 24-month time limit is found at Section 42-710.6.
- .7 Any month in which an individual is exempt based on the following shall not be taken into consideration as a month of receipt of aid in computing the 60-month time limit described in Section 42-302.
- .71 Being age 60 or older as described in Section 42-712.43;
- .72 Having a disability as described in Section 42-712.44; or
- .73 Having caretaking responsibilities that impair a recipient's ability to be regularly employed, as described in Sections 42-712.45 and .46.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11253.5, 11320, 11320.3(a), (b), and (c), and (d), 11320.4(a) and 11331.5(a), (b), (c), and (d), 11454, and 11454.5(a), Welfare and Institutions Code; ~~45 CFR 250.30(a), (b)(5), and (c)(2); and 45 CFR 250.31.~~

Adopt new Section 42-713 to read:

42-713 GOOD CAUSE FOR NOT PARTICIPATING

42-713

- .1 A recipient shall be excused from participation in welfare-to-work activities for good cause in accordance with Section 42-713.2, when the CWD determines there is a condition or other circumstance that temporarily prevents, or significantly impairs, the individual's ability to be regularly employed or to participate in welfare-to-work activities.
- .11 The CWD shall review the continuing validity of the good cause determination as necessary, but at least every three months.
 - .12 The individual shall cooperate with the CWD and provide information, including written documentation, as required to complete the review.
- .2 Conditions that may be considered good cause for not participating in welfare-to-work activities include, but are not limited to, any of the following:
 - .21 Lack of necessary supportive services.
 - .22 The applicant or recipient is a victim of domestic violence.
 - .221 Program requirements, including time limits on receipt of assistance described in Sections 42-710 and 42-300, and welfare-to-work requirements described in Section 42-711 may be waived for an individual who is a victim of domestic violence on a case-by-case basis, but only for so long as necessary, in accordance with statewide protocols and/or regulations.
 - (a) Until statewide protocols for domestic violence victims become effective January 1, 1999, a CWD can waive program requirements, including time limits and welfare-to-work requirements, for a recipient who is a victim of domestic violence. The criteria for granting waivers shall include provisions that ensure:
 - (1) Applicants and recipients who are past or present victims of abuse are not placed at further risk or unfairly penalized by CalWORKs requirements and procedures;
 - (2) Program requirements are not created or applied in such a way as to encourage a victim to remain with the abuser; and

- (3) Participation by CalWORKs recipients in welfare-to-work activities is encouraged, to the full extent of their abilities, including participation in counseling and treatment programs, as appropriate, to enable the recipient to obtain unsubsidized employment and move toward self-sufficiency.

HANDBOOK BEGINS HERE

- (b) Waivers of time limits granted pursuant to this section shall not be implemented if federal statutes or regulations clarify that abuse victims are included in the 20 percent hardship exemptions and that no good cause waivers of the 20 percent limit will be granted to the state for victims of abuse, thereby incurring a penalty to the state.
- (c) Waivers of the work requirements granted pursuant to this section shall not be implemented if federal statutes or regulations clarify that the state will be penalized for failing to meet work participation requirements due to granting waivers to abuse victims.

HANDBOOK ENDS HERE

- (d) Waivers of program requirements, including time limits and work requirements, shall be implemented only after they are identified in a county plan certified by the Department. If a county plan has already been certified by the Department and does not contain any interim domestic violence protocols, a CWD shall submit an addendum to this plan prior to implementation.

- .23 Licensed or license-exempt child care is not reasonably available during the individual's hours of training or employment, including commuting time, or arrangements have broken down or have been interrupted for the following children:
- .231 A child 10 years of age or younger, or
- .232 A child who is in foster care or is an SSI recipient and who is not included in the assistance unit.
- .24 Good cause criteria in Section 42-713.23 includes the unavailability of suitable special needs child care for children with identified special needs including, but not limited to, disabilities or chronic illnesses.
- .25 For purposes of Section 42-713.23, reasonable availability means child care that is commonly available in the participant's community to a person who is not receiving aid, is within a reasonable distance from the participant's home or work site, and is provided by a parent, legal guardian, other suitable member of the assistance unit, or an eligible provider as defined by Section 47-260.

.3 An individual who is excused from welfare-to-work participation for good cause is subject to the 18- or 24-month time limits described in Section 42-710 and the 60-month time limit in Section 42-302.

.31 A CWD may waive time limits for victims of domestic violence as provided in Section 42-713.221(a).

.32 An individual who has good cause for an interruption in participating in a SIP may have their 18- or 24-month time limits adjusted as provided in Section 42-711.546.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11320.3(b) and (f), 11325.23(c), 11326.3(f), 11454.5, and 11495.1, Welfare and Institutions Code.

Adopt Section 42-714 to read:

42-714 FEDERAL WORK PARTICIPATION REQUIREMENTS

42-714

If California does not meet federal work participation requirements, counties that fail to meet federal work participation requirements shall be required to share any penalty imposed on the state for failure to achieve the outcomes required by federal law.

HANDBOOK BEGINS HERE

Welfare-to-work Activities, Participation Requirements

.1 Rate requirements

.11 Minimum rate of participation in welfare-to-work activities for families receiving Temporary Assistance for Needy Families (TANF)/CalWORKs for a federal fiscal year - October 1 through September 30:

.111 For all families, including two-parent families

<u>If the FFY is:</u>	<u>The minimum participation requirement is:</u>
-----------------------	--------------------------------------------------

<u>1997</u>	<u>25%</u>
<u>1998</u>	<u>30%</u>
<u>1999</u>	<u>35%</u>
<u>2000</u>	<u>40%</u>
<u>2001</u>	<u>45%</u>
<u>2002 and thereafter</u>	<u>50%</u>

.112 For two-parent families only

<u>If the FFY is:</u>	<u>The minimum participation requirement is:</u>
-----------------------	--------------------------------------------------

<u>1997</u>	<u>75%</u>
<u>1998</u>	<u>75%</u>
<u>1999 and thereafter</u>	<u>90%</u>

.12 Calculation of participation rates

.121 For all families, including two-parent families, the participation rate for the federal fiscal year is the average of the participation rates for all families for each month in the federal fiscal year.

(a) To calculate the monthly participation rate for all families:

- (1) Divide the number of aided families engaged in work, as specified in Section 42-714.2 (those families must include either an aided adult or minor child head of household, who is engaged in work for the month) by;
- (2) The total number of aided families (those families must include an aided adult or minor child head of household during the month) minus:
 - (A) The number of sanctioned families subject to sanction for not more than three months in the preceding 12-month period - whether or not the months were consecutive; plus
 - (B) At state option, the number of families exempted from engaging in work because they include an individual who is a single custodial parent caring for a child who has not attained 12 months of age.

.122 For two-parent families only, the participation rate for the federal fiscal year is the average of the participation rates for each month in the federal fiscal year.

A family that includes a disabled parent shall not be considered a two-parent family for purposes of the work participation rate.

(a) To calculate the monthly participation rate for two-parent families:

- (1) Divide the number of two-parent families engaged in work for the number of hours specified in Section 42-714.23 by
- (2) The total number of aided two-parent families, minus the number of two-parent families that have been subject to sanction for not more than three months in the preceding 12-month period - whether or not the months were consecutive.

.13 Reduction of Participation Rates Due to Caseload Reductions not Required by Federal Law

.131 The minimum participation rate required for a fiscal year shall be reduced by the same number of percentage points that the state's average monthly caseload has declined since 1995.

- (a) The reduction shall not reflect any caseload changes that resulted from either federal requirements or state changes in eligibility between the previous and current assistance programs.

.2 Engaged in work

.21 For all families

A recipient is considered to be engaged in work for a month in the federal fiscal year if he/she is participating in work activities for at least the minimum average number of hours per week as specified in the following table. At least 20 hours per week of the minimum average number of hours per week of participation shall be attributable to an activity specified in Handbook Sections 42-714.3(a) through (i).

<u>If the month</u> <u>is in FFY:</u>	<u>The minimum average</u> <u>number of hours per week is:</u>
<u>1997</u>	<u>20</u>
<u>1998</u>	<u>20</u>
<u>1999</u>	<u>25</u>
<u>2000 or thereafter</u>	<u>30</u>

.22 Single parent or relative with child under age six

A single parent or caretaker relative in the family of a child who has not attained six years of age, is deemed to be engaged in work if he/she participates in work activities at least 20 hours per week during the month.

.23 For two-parent families

A family is considered to be engaged in work if the parents are participating as specified in either Section 42-714.231 or .232.

.231 For a total of at least 35 hours per week, with at least 30 hours spent in the activities specified in Handbook Sections 42-714.3(a) through (i).

.232 If the family receives federally-funded child care assistance (see Section 47-220.3) and an adult in the family is not disabled or caring for a severely disabled child, then the parents must be participating for a total of at least 55 hours per week with at least 50 hours spent in the activities specified in Handbook Sections 42-714.3(a) through (i).

.3 Work Activities

(a) Unsubsidized employment;

- (b) Subsidized private sector employment;
- (c) Subsidized public sector employment;
- (d) Work experience, if sufficient private sector employment is not available;
- (e) On-the-job training;
- (f) Job search and job readiness assistance;
 - (1) The amount of job search and job readiness assistance activities by any individual that counts toward meeting federal work participation requirements is limited to four consecutive weeks and six weeks total. (The six-week limit may be extended to 12 weeks if California's unemployment rate is at least 50 percent greater than the unemployment rate of the United States, or California is a "needy state" as defined in federal law.)
 - (2) The state is required to consider participation of an individual in these activities for less than a full week, i.e. for only three or four days during a week, as a full week of participation, but only one time per individual.
- (g) Community service;
- (h) Vocational education training (not to exceed 12 months for any individual);
 - (1) For purposes of determining monthly participation rates, not more than 30 percent of the number of individuals in the all families rate and in the two-parent families rate, respectively, who are counted as engaged in work for the month, may consist of individuals considered to be engaged in work by reason of participation in vocational educational training activities.
 - (A) Beginning October 1, 1999, this limit will also include single heads of household or married individuals who are under 20 years of age and either:
 - 1. making satisfactory progress in secondary school or the equivalent, or
 - 2. participating in education directly related to employment for an average of at least 20 hours per week during the month.
- (i) Providing child care services to a participant in community service;
- (j) Job skills training directly related to employment;

- (k) Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency;
- (l) Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Section 10544(b), Welfare and Institutions Code; and 42 U.S.C. 607(a), (b), (c), and (d).

Adopt Section 42-716 to read:

42-716 WELFARE-TO-WORK ACTIVITIES

42-716

- .1 Upon the completion of job search activities, or a determination that those activities are not required as an initial activity, the participant shall be assigned to one or more welfare-to-work activities as needed to obtain employment.

- .11 The welfare-to-work plan described at Section 42-711.6 shall include welfare-to-work activities.

- .111 Welfare-to-work activities may include, but are not limited to, any of the following:
 - (a) Unsubsidized employment.
 - (b) Subsidized private sector employment.
 - (c) Subsidized public sector employment.
 - (d) Work experience, as defined in Section 42-701.2(w)(1).
 - (1) Unpaid work experience shall be limited to 12 months, unless the CWD and the welfare-to-work participant agree to extend this period by an amendment to the welfare-to-work plan. The CWD shall review the work experience as appropriate.
 - (A) At the time of the assignment to the work experience activity, the CWD shall identify the job skill(s) to be developed or enhanced. The CWD shall review the work experience activity as necessary to determine the participant's progress toward reaching the training goal.
 - (B) Revisions to the welfare-to-work plan shall be made as necessary to ensure that the work experience assignment continues to be consistent with the participant's plan and is effective in preparing the participant to obtain employment.
 - (e) On-the-job training (OJT).
 - (f) Grant-based OJT, as defined in Section 42-701.2(g)(2).
 - (1) If there is any break in income for a grant-based OJT

participant caused by an employer's conduct, the CWD shall ensure that a recipient receives 100 percent of the maximum grant payment, not counting unpaid wages, that the assistance unit is eligible to receive. The payment shall be made as a supplemental grant payment.

(2) The agreement between the CWD and the employer regarding grant-based OJT shall state that the CWD will attempt to collect from the employer the amount of the grant diverted to the employer that was not paid as wages to the recipient.

(3) The CWD shall monitor the retention of participants as employees by employers participating in grant-based OJT.

(A) The CWD shall cancel participation of employers who demonstrate, over a period of time, an unwillingness to hire recipients who participated in grant-based OJT with such employers.

(g) Supported work or transitional employment as defined in Section 42-701.2(s)(3).

(h) Work-study.

(i) Self-employment.

(j) Community service as defined in Section 42-701.2(c)(3).

(k) Adult basic education as defined in 42-701.2(a)(1).

(1) Participants shall be referred to appropriate service providers that include, but are not limited to, educational programs operated by school districts or county offices of education that have contracted with the superintendent of public instruction to provide services to the participant, pursuant to Section 33117.5 of the Education Code.

(l) Job skills training directly related to employment.

(m) Vocational education and training including, but not limited to, college and community college education, adult education, regional occupational centers, and regional occupational programs.

- (n) Job search and job readiness assistance as defined in Sections 42-701.2(j)(2) and (3).
- (o) Education directly related to employment.
- (p) Satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, in the case of a recipient who has not completed secondary school or received such a certificate.
- (q) Mental health, substance abuse, and domestic violence services that are necessary to obtain and retain employment. (See Sections 42-716.5 and .6.)
- (r) Other activities necessary to assist an individual in obtaining unsubsidized employment.
- (s) Participation required of the parent by the school to ensure the child's attendance, in accordance with Section 42-711.632(a).

.2 Assignment to an educational activity identified under Sections 42-716.111(k), (m), (o), and (p) is limited to those situations in which the education is needed to become employed.

.3 Every CWD shall provide an adequate range of the activities described in Section 42-716.111 to ensure each participant's access to needed activities and services to assist him or her in seeking employment, to provide education and training the participant needs to find self-supporting work, and to arrange for placement in paid or unpaid work settings that will enhance a participant's ability to obtain unsubsidized employment.

.4 Community Service

.41 CWD Requirements for Provision of Community Service Activities

.411 The CWD may provide for community service activities for individuals who have not completed the 18- or 24-month time-limit period specified in Section 42-710 and are not employed in unsubsidized employment sufficient to meet the minimum hours of participation required by Section 42-711.4.

.412 The CWD shall provide for community service activities for individuals who have completed the 18- or 24-month time-limit period, under the conditions specified in Section 42-711.91.

.42 At the time of the assignment to the community service activity, the CWD shall identify the job skill(s) to be developed or enhanced. The CWD shall review the community service activity as necessary to determine the participant's progress toward reaching the training goal.

.421 Revisions to the welfare-to-work plan shall be made as necessary to ensure that the community service assignment continues to be consistent with the participant's plan and is effective in preparing the participant to obtain employment.

.43 Community service activities shall comply with the nondisplacement provisions specified in Section 42-720.

.44 Individuals assigned to a community service activity, before the expiration of the 18- or 24-month time limit, shall participate in community service activities for the number of hours specified in their welfare-to-work plans.

.45 Individuals required to participate in a community service activity, after the expiration of the 18- or 24-month time limit, shall participate as specified in Section 42-711.9.

.46 Child care supportive services shall be provided to community service participants as specified in Section 42-750. Other supportive services may be provided by the CWD at the CWD's option.

.5 Mental Health Treatment Services

The CWD shall make mental health treatment services available, when necessary, to enable participants to make the transition from welfare-to-work pursuant to the mental health assessment conducted under Section 42-711.56.

HANDBOOK BEGINS HERE

.51 Subject to specific expenditure authority, mental health services available shall include all of the following elements:

.511 An assessment for the purpose of identifying the level of the individual's mental health needs and the appropriate level of treatment and rehabilitation for the participant.

.512 Case management, as appropriate, as determined by the CWD.

.513 Treatment and rehabilitation services that shall include counseling, as necessary to overcome mental health barriers to employment and mental health barriers to retaining employment, in coordination with an individual's welfare-to-work plan.

.514 In cases where a secondary diagnosis of substance abuse is made in a person referred for mental or emotional disorders, the welfare-to-work plan shall also address the substance abuse treatment needs of the participant. [See Section 42-716.6.]

- .515 A process by which the CWD can identify those individuals with severe mental disabilities that may qualify them for aid under Chapter 3 (commencing with Section 12000). [The State Supplementary Program for Aged, Blind, and Disabled]

HANDBOOK ENDS HERE

.6 Substance Abuse Treatment Services

- .61 The CWD shall provide, in conjunction with the county alcohol and drug program or a state-licensed or certified nonprofit agency under contract with the county alcohol and drug program, substance abuse treatment services which shall include evaluation, treatment, employment counseling, provision of community service jobs, or other appropriate services.
- .611 If, based on the evaluation required in Section 42-711.57, a participant is determined to have a substance abuse problem, the CWD shall offer the individual two opportunities to receive substance abuse treatment. At its option, the CWD may offer the individual additional treatment opportunities.

HANDBOOK BEGINS HERE

- .612 When an individual is determined to have a substance abuse problem, based on an evaluation by the county alcohol and drug program or a state-licensed or certified nonprofit agency, the case manager shall develop the participant's welfare-to-work plan based on the results of that evaluation. In such a case, the individual's welfare-to-work plan may include appropriate treatment requirements, including assignment to a substance abuse program.
- .613 When a participant's welfare-to-work plan includes assignment to a treatment program, the case manager may determine that the participant is out of compliance with the welfare-to-work plan if, at any time in consultation with the substance abuse treatment provider, the county determines that the participant has failed or refused to participate in a treatment program without good cause. The assigned treatment program shall be reasonably accessible within the county of residence or a nearby county.
- .614 When a case manager determines that a participant in a treatment program as specified in his or her welfare-to-work plan is out of compliance with a program requirement other than participation in a required treatment program, the determination of whether the participant has good cause to be out of compliance shall include consideration of whether the participant's substance abuse problem caused or substantially contributed to the failure to comply with the program requirements. In this determination, the county must consult the substance abuse treatment provider as appropriate.

.615 No recipient may participate in a substance abuse treatment program for longer than six months without concurrently participating in a welfare-to-work activity, to be determined by the county and the recipient, in consultation with the treatment provider.

(a) If the recipient is in a residential treatment program or an intensive day treatment program that requires him or her to stay at the program site or otherwise not to participate in nonprogram activities, the requirements of the treatment program will fulfill the recipient's welfare-to-work activity requirement.

.62 Each county shall report annually to the state the number of CalWORKs Program recipients who receive substance abuse treatment and the extent to which the allocation is sufficient to meet the need for substance abuse services as determined by the county.

HANDBOOK ENDS HERE

.7 Job Openings

.71 The employer or sponsor of an employment or training position specified in Section 42-716.111 shall assist and encourage qualified participants to apply for job openings in the sponsor's organization.

.72 Participants assigned to public agencies shall be allowed to compete in classified service examinations equivalent to the positions they occupy, and all open and promotional examinations for which experience in the job or other relevant experience qualifies under merit system rules.

.73 A participant's time worked in a position shall apply toward seniority in a merit public agency position, only to the extent permitted under federal or state law, local ordinance, or collective bargaining agreement.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11253.5(b), 11320.3(b)(2), 11322.6, 11322.61, 11322.7(a) and (b), 11322.9(a), (b), (c), (e), and (f), 11324.4, 11325.22(b)(1), 11325.7(a), (c), and (d), and 11325.8(a), (c), (d), and (f), Welfare and Institutions Code.

Adopt Section 42-717 to read:

42-717 JOB RETENTION SERVICES

42-717

- .1 If provided in a county plan and if a recipient or former recipient is employed, the CWD may continue to provide case management, services, and supportive services to either a recipient of aid under CalWORKs not participating under welfare-to-work or a former recipient of CalWORKs who has received aid within the previous 12 months.
- .2 The CWD may provide these services for up to the first 12 months of employment or from the first day after termination from aid due to employment or increased earnings to the extent that these services are:
 - .21 not provided by the employer, the entity that arranged the job placement, if other than the county;
 - .22 not available from other sources;
 - .23 needed for the individual to retain the employment.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11323.2(b) and 11500, Welfare and Institutions Code.

Adopt Section 42-718 and Handbook Section 42-718.1, renumber Section 42-740.2 to new Section 42-718.2 and amend to read:

42-718 OTHER PROVIDERS OF ACTIVITIES AND SERVICES

42-718

HANDBOOK BEGINS HERE

.1 Contracting Services

A public agency shall, in implementing CalWORKs and the CalWORKs Welfare-to-Work Program, perform program functions exclusively through the use of merit civil service employees of the public agency, except to the extent permitted by provisions of state and federal law that were in effect on August 21, 1996. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 did not become effective until August 22, 1996.

.11 Discrimination Prohibition

Employers, sponsors of training activities, and contractors shall not discriminate against participants on the basis or race, sex, national origin, age, or disability.

HANDBOOK ENDS HERE

~~42-740~~

.2 Contracts/Agreements for Job Search, Training, and Education Services

.21 Except as specified in Section ~~42-740.22~~ 42-718.212, any contract/agreement which provides for payment for training and education services shall be competitively selected using applicable state and federal regulations. Payment shall be made based upon fixed-unit-price performance-based criteria.

.211 Under these contracts, full payment shall not be considered earned by the contractor for training and education services as defined in Sections ~~42-730.3~~ and ~~42-716.111(a) through (r)~~ until either of the following has occurred:

~~.211~~ (a) The participant has successfully completed the education program.

~~(a)~~ (1) A prorata share of the payment shall be paid to the education provider if the participant does not complete the education program.

~~.212~~ (b) The participant has successfully completed the training program and has been retained in unsubsidized employment for at least 180 days.

- (a) (1) Up to 70 percent of the fixed-unit price for training services may be paid upon placement in unsubsidized employment.
- (+) (A) At least 30 percent of the fixed-unit-price for training services shall be withheld for the follow-up during the 180-day retention period in unsubsidized employment.
- (A) 1. Progress payments shall be made from the 30 percent withholding portion upon evidence of participant job retention at 30, 90 and 180 days.
- (b) (2) A prorata share of the 70 percent fixed-unit-price payment in Section ~~42-740.212(a)~~ 42-718.211(b)(1) shall be paid to the training service provider if the participant does not complete the training either through failure to cooperate, as determined by the CWD, or the participant obtains unsubsidized employment.
- (+) (A) If the participant in Section ~~42-740.212(b)~~ 42-718.211(b)(2) obtains unsubsidized employment related to the training, as determined by the CWD, and is retained for at least 180 days, the difference between the pro rata payment in Section ~~42-740.212(b)~~ 42-718.211(b)(2), and 70 percent of the fixed-unit price for training services shall be paid.

.212 Training and education services funded by sources other than ~~GAIN~~ CalWORKs Welfare-to-Work shall be subject to the criteria and requirements of those sources and not to the requirements of Section ~~42-740.21~~ 42-718.211.

.213 The CWD shall be permitted to enter into contracts for educational services without having to adhere to the contracting requirements of Section ~~42-740.21~~ 42-718.211, when the CWD is unable to obtain educational services due to the absence of an available adult education program or the small number of ~~GAIN~~ welfare-to-work referrals. Utilization of this exemption shall require prior review and approval by CDSS.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10619, 11320, 11322.62, 11324.6, and 11328.8, Welfare and Institutions Code.

Adopt Section 42-719 to read:

42-719 SCHOOL ATTENDANCE

42-719

- .1 All children in an assistance unit (AU) for whom school is compulsory, but who are not subject to Cal-Learn requirements as described in Sections 42-762 through 42-769, shall be required to regularly attend school, as specified in Section 40-105.5.
- .11 Teens age 16 and 17, who are not regularly attending elementary, secondary, vocational, or technical school on a full-time basis, shall be referred to the CWD to have a welfare-to-work plan developed in accordance with Section 42-711.
- .111 The welfare-to-work plan for teens age 16 and 17, who have not completed high school or its equivalent, shall be for the purpose of completing high school or its equivalent only.
- (a) These teens may, on a voluntary basis, participate in additional welfare-to-work activities, including job search activities, job readiness activities, and assessment, to the extent that these activities do not interfere with their school attendance.
- (b) 18- and 24-month time limits under Section 42-710 shall not apply to these teens.
- (c) The hours of participation under Section 42-711.4 shall not apply to these teens.
- .2 Teens age 16 and 17 who have completed high school or its equivalent are required to participate in welfare-to-work activities and are subject to all Welfare-to-Work Program requirements specified in Section 42-716.1.
- .21 18- and 24-month time limits shall not apply to these teens.
- .3 Failure by teens age 16 and 17 to comply with the mandatory activities in their welfare-to-work plan, developed in accordance with Section 42-719.11, shall result in a reduction in the grant amount to the AU in accordance with Section 40-105.5.

HANDBOOK BEGINS HERE

- .31 Example 1: A 16- or 17-year old teen fails to attend school regularly. His needs are taken out of the family's grant and, at the same time, he loses the exemption from the CalWORKs Welfare-to-Work Program. If he begins attending school regularly before participation in any specific welfare-to-work activity is required, his needs will be reinstated for complying with the school attendance requirement. Once notified of

specific welfare-to-work requirements, the teen must also comply with those requirements. Aid will continue as long as he stays in school and complies with welfare-to-work requirements.

.32 Example 2: A 16- or 17-year old teen fails to attend school regularly. Her needs are taken out of the family's grant and, at the same time, she loses the exemption from the CalWORKs Welfare-to-Work Program. She begins attending school regularly before participation in any specific welfare-to-work activity is required, and her needs are reinstated for complying with the school attendance requirement. She subsequently fails to comply with a welfare-to-work requirement, and is penalized for that reason. To reinstate her needs, the teen must comply with the Welfare-to-Work Program.

.33 Example 3: A 16- or 17-year old teen fails to attend school regularly. His needs are not considered in determining the family's grant and, at the same time, he loses the exemption from the CalWORKs Welfare-to-Work Program. He does not resume regular school attendance and also fails to comply with welfare-to-work requirements. His needs will not be reinstated until he complies with both the school attendance and welfare-to-work requirements.

HANDBOOK ENDS HERE

.34 Aid shall be restored in accordance with Section 40-105.5(g).

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11253.5, 11320.3(a) and (b)(2), 11322.8(a), 11325.21, 11331.5, and 11454(a), Welfare and Institutions Code; and Section 48200, Education Code.

Adopt new Section 42-720 and renumber Section 42-731 to Sections 42-720.4, .5, .6, and .7, and amend to read:

42-720 NONDISPLACEMENT PROTECTION IN WORK ACTIVITIES 42-720

.1 Displacement Provisions

Except as specified in Section 42-720.3, an education, employment, or training program position specified in Section 42-716.111(a) through (l), or under any county pilot project, may not be created as a result of, or may not result in, any of the following:

- .11 Displacement or partial displacement of current employees including, but not limited to, a reduction in hours of nonovertime and overtime work, wages, or employment benefits.
- .12 The filling of positions that would be promotional opportunities for current employees, unless such promotions are routinely filled through an open process in which nonemployees (recipients) are provided an opportunity to compete for the job.
- .13 The filling of a position prior to compliance with applicable personnel procedures or provisions of collective bargaining agreements.
- .14 The filling of established unfilled public agency positions, unless the positions are unfunded in a public agency budget.
- .15 The filling of a position created by termination, layoff, or reduction in work force, caused by the employer's intent to fill the position with a subsidized position.
- .16 A strike, lockout, or other bona fide labor dispute, or violation of any existing collective bargaining agreement between employees and employers.
- .17 The filling of a work assignment customarily performed by a worker in a job classification covered by a collective bargaining agreement in that specific worksite, or the filling of a work assignment in any bargaining unit in which funded positions are vacant or in which regular employees are on layoff.
- .18 The termination of a contract for services, before its expiration date, that displaces or partially displaces workers performing contracted services and which is caused by the employer's intent to fill the vacancy with a subsidized welfare-to-work participant.

- .19 The denial to a participant or employee of protections provided other workers on the worksite under state and federal workplace health, safety, and representation laws.
- .2 Sections 42-720.12, 42-720.14, and 42-720.17 shall not apply to unsubsidized employment placements.
- .3 Notification of labor unions and non-union employees of the use of CalWORKs recipients.
- .31 The CWD shall notify or ensure that an employment or training provider notifies:
 - .311 The appropriate labor union of the use of a CalWORKs recipient assigned to a welfare-to-work employment or training activity described in Section 42-716.111 or any position created under a county pilot project, in any location or work activity controlled by an employer and covered by a collective bargaining agreement between the employer and a union; or
 - .312 Non-union employees of the use of CalWORKs welfare-to-work participants and the availability of the grievance process described in Section 42-720.4.
 - (a) Display of a poster shall satisfy this requirement.
 - (1) The poster required by Section 42-720.312(a) shall not identify any welfare-to-work participant.

~~42-731~~

.4 ~~EMPLOYEE DISPLACEMENT GRIEVANCE PROCESS~~ Employee Displacement Grievance Process

The following grievance process shall be used to resolve the complaints of regular employees or their representatives who believe assignment of a ~~GAIN~~ welfare-to-work participant to a ~~preemployment preparation (PREP), alternative work experience (AWEX), community service, work experience, on-the-job training (OJT), or grant diversion-funded component~~ any activity funded by grant-based OJT training violates any of the displacement provisions at ~~Manual of Policies and Procedures (MPP)~~ contained in Sections ~~42-730.13, .329, or .418~~ 42-720.1, as applicable. All displacement complaints shall be in written form and shall include the full name, address (if any), and telephone number (if any) of the alleged displaced employee, the full name and address of the employer against whom the complaint is being filed, a clear and concise statement of the facts concerning the alleged displacement, including pertinent dates, and a statement that the complaint has been signed under penalty of perjury.

.41 Informal Resolution

.411 Upon receipt of a written complaint by the employee or employee's representative, the CWD shall contact both the complainant and affected employer and attempt to informally resolve the complaint.

.412 The period for informal resolution shall begin on the date the complaint is received by the CWD and shall not exceed ten calendar days.

~~.424~~ (a) Nothing in this section shall prohibit informal resolution of the complaint at any time during the displacement grievance process.

.413 Following its efforts to informally resolve the complaint, the CWD shall send a letter informing the complainant of the following:

~~.434~~ (a) The employer's response to the complaint, including any actions the employer is willing to take toward informal resolution.

~~.432~~ (b) The right to request a formal hearing as specified in Section ~~42-731.24~~ 42-720.421 if the complainant is dissatisfied with the employer's informal response.

~~.433~~ (c) The procedures for filing a formal hearing including the address to which a request for hearing should be sent.

~~.434~~ (d) The time limit for filing a request for formal hearing as specified in Section ~~42-731.24~~ 42-720.421(a).

.414 The CWD shall send the letter required by Section ~~42-731.13~~ 42-720.413 no later than the ~~tenth~~ twentieth calendar day from the date the complaint was received by the ~~county~~ CWD.

~~.441~~ (a) Copies of the letter shall be sent to the affected employer.

.42 Formal Hearing

.421 If the complaint cannot be informally resolved, the complainant may request a formal hearing.

~~.244~~ (a) A written request for formal hearing must be filed no later than ten calendar days following the employee's receipt of the letter required by Section ~~42-731.13~~ 42-720.413.

(a1) The date postmarked on the hearing request shall be considered the date of its filing.

- ~~.422~~ Formal hearings shall be conducted by the California Department of Social Services (CDSS), ~~Administrative Adjudications~~ State Hearings Division.
- ~~.423~~ The CDSS, Office of the Chief Administrative Law Judge shall inform the complainant, the CWD, and affected employer in writing of the date, time and location of the hearing and of the opportunity to present evidence, bring witnesses, cross-examine witnesses, and bring or send an authorized representative.
- ~~.231~~ (a) An authorized representative is defined as an individual or organization that has been authorized by the complainant or affected employer to act on behalf of the complainant or affected employer in any and all aspects of the formal hearing. An authorized representative may include legal counsel, a relative, friend, or other spokesperson.
- (b) Upon the request of any party to the complaint, a hearing may be postponed prior to the hearing or at the hearing, if such request or postponement is for good cause. The Department shall have the authority to request verification to support the request for postponement. Notwithstanding the provisions of this section the time limits contained in Section 42-720.425 shall apply. The criteria for good cause includes, but is not limited to, the following:
- (1) Death in the family.
- (2) Personal illness or injury.
- (3) Sudden and unexpected emergencies which prevent the complainant or the employer or their respective authorized representatives from appearing.
- (4) A conflicting court appearance which can not be postponed.
- ~~.232~~ (c) A party who wishes to submit a document into evidence must provide a copy of it, free of charge, to the other party.
- ~~.233~~ (d) The Administrative Law Judge may not discuss the merits of a pending state hearing with one party outside the presence of the other party.
- ~~.424~~ Except as specified in this section, the following provisions of MPP, Division 22 shall apply to formal hearings:
- ~~.241~~ ~~Section 22-010 relating to authorized representatives.~~

- ~~.242~~ (a) Except as specified below, Section 22-049 relating to general rules and procedures at the hearing.
- ~~.241~~ (a) (1) Notwithstanding the provisions of Section 22-049.1, both the complainant and affected employer may bring or send an authorized representative.
- (a2) To the extent that Section 22-049.11 refers to rehearings, it shall not apply.
- (b3) Sections 22-049.52 and 22-049.532, and any references to Section 22-049.532, shall not apply.
- (e4) Sections 22-049.8 and 22-049.9 shall not apply.
- (d5) To the extent the provisions of Section 22-049 apply to formal hearings, all references to "claimant" and "county" shall be deemed to refer to "complainant" and "affected employer," respectively.
- ~~.243~~ (b) Section 22-050 relating to evidence.
- (a1) Requirements at Section 22-050.21 shall not apply.
- ~~.244~~ (c) Section 22-053.2 relating to postponements and continuances for additional evidence.
- (a) ~~Section 22-053.11 shall not apply.~~
- (b1) Notwithstanding the time parameters identified in Sections ~~22-053.1 and 22-053.2~~, the time limit set forth in Section ~~42-731.25~~ 42-720.425 shall apply.
- (c) ~~To the extent that the provisions of Section 22-053 apply to formal hearings, all references to "claimant" and "county" in such regulations shall be deemed to refer to "complainant" and "affected employer," respectively.~~
- ~~.245~~ (d) Sections 22-061.1, .3, and .4 relating to submission and adoption of proposed decisions.
- ~~.246~~ (e) Section 22-062 relating to action by the Director.
- (a1) Notwithstanding the time limits for director action specified in Section 22-062.2, requirements for issuance of a hearing decision at Section ~~42-731.25~~ 42-720.425 shall apply.

- ~~.425~~ A written hearing decision shall be issued within 90 calendar days of the date the complaint was received by the ~~county~~ CDSS State Hearings Division.
- ~~.426~~ Copies of the written decision shall be sent to all affected parties. The decision shall include:
- ~~.261~~ (a) A statement identifying the right to federal appeal of the hearing decision as specified in Section ~~42-731.31~~ 42-720.5.
- ~~.262~~ ~~The address and instructions for filing a federal appeal.~~
- ~~.263~~ ~~The time limit within which the appeal must be filed as specified in Section 42-731.32.~~
- ~~.264~~ ~~A listing of the required appeal contents as specified in Section 42-731.33.~~
- ~~.427~~ When a hearing decision upholds the displacement complaint, the decision shall:
- ~~.271~~ (a) Require termination of the assignment which brought about the complaint and any other assignments which have caused the displacement of regular employees.
- ~~.272~~ (b) Identify those actions which shall be taken to remedy the displacement in accordance with Section ~~42-731.4~~ 42-720.6.

HANDBOOK BEGINS HERE

.35 Federal Appeal

- ~~.351~~ To the extent federal appeal is available, Any dissatisfied party may appeal the formal hearing decision to the United States Department of Labor. Parties to the hearing should be directed to their local CWD for further information regarding the availability of any federal appeals process.
- ~~.32~~ ~~The appeal must be filed within 20 calendar days of the appellant's receipt of the written decision.~~
- ~~.33~~ ~~The appeal shall contain the following:~~
- ~~.331~~ ~~The appellant's full name, address and telephone number.~~
- ~~.332~~ ~~The provisions of the Social Security Act, federal regulations, or state regulations believed to have been violated.~~
- ~~.333~~ ~~A copy of the original complaint filed with the CWD.~~

~~.334 A copy of the formal hearing decision regarding the complaint being appealed.~~

~~.34 The state shall file the entire administrative record of the matter under appeal with the United States Department of Labor within 30 calendar days of that Department's request for this information.~~

HANDBOOK ENDS HERE

.46 Remedies

.461 Remedies for displaced employees shall include reinstatement, back pay, and/or back benefits from the affected employer.

.57 Union Grievance

.571 Any grievance procedure that is part of a collective bargaining agreement between the employer and labor union representing the dissatisfied employee shall be used in lieu of the process described in Section 42-731 42-720.42.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11324.5, 11324.6, and 11324.7, 11326(e), and 11328(a)(10), Welfare and Institutions Code; ~~and 45 CFR 251.4.~~

Adopt Section 42-721; renumber Section 42-787 to Section 42-721.5, Section 42-786.5 to Section 42-721.461, Section 42-786.6 et seq. to Section 42-721.48 et seq; and amend to read:

42-721 NONCOMPLIANCE WITH PROGRAM REQUIREMENTS

42-721

.1 The provisions of Sections 42-721.2, .3, and .4 shall not apply to:

.11 Teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769.

.12 Any person who is not required, but who volunteers, to participate in the Welfare-to-Work Program and who fails to appear for a scheduled appointment prior to entering into the welfare-to-work plan.

.2 Compliance Process

.21 An individual who is required to participate in program activities as a condition of receipt of aid shall be subject to sanctions specified in Section 42-721.4, whenever:

.211 He or she fails or refuses without good cause to comply with program requirements; and

.212 He or she subsequently fails or refuses without good cause to:

(a) agree to a compliance plan; or

(b) comply with a compliance plan agreed to by the CWD and the participant.

.22 Failing or refusing to comply with program requirements means failing or refusing to:

.221 sign a welfare-to-work plan; participate in any assigned program activity, including a self-initiated program; provide required proof of satisfactory progress in any assigned program activity, including a self-initiated program; or accept employment;

.222 continue employment; or

.223 continue employment at the same level of earnings.

.23 Upon determination that an individual has failed or refused to comply with program requirements, the CWD shall send the individual a notice of action effective no earlier than 30 calendar days from the date of issuance.

.231 The notice of action shall inform the individual that a sanction will be imposed

if the individual fails to either attend an appointment scheduled by the CWD within 20 calendar days of the notice or contact the CWD by telephone within 20 calendar days of the notice, and fails to do one of the following:

- (a) Provide information to the CWD that leads to a finding of good cause for refusing or failing to comply with program requirements, or
- (b) Agree to a compliance plan to correct the failure or refusal to comply.

.232 The written notice of action shall contain the following additional information:

- (a) The date, time, and location of the scheduled appointment.
- (b) A description of the specific act or acts that have caused the individual to be out of compliance with participation requirements.
- (c) A statement that the individual has the right to explain why he or she failed or refused to comply with program requirements and to demonstrate that he or she had good cause for his or her refusal or failure to comply.
- (d) Provide a general definition of good cause and examples of reasons that constitute good cause for not participating in the program.
- (e) Inform the individual of the right to contact the CWD by telephone to establish good cause over the telephone instead of attending the scheduled appointment.
- (f) Inform the individual of the right to reschedule the appointment once within a period of 20 calendar days.
- (g) Describe the transportation and child care services available to the individual in order to attend the appointment.
- (h) Inform the individual that if good cause is not found, a compliance plan will be developed and the individual will be expected to agree to the plan or face a sanction.

- (i) Inform the individual of the name, telephone number, and address of state and local legal aid and welfare rights organizations that may assist the individual with the good cause and compliance plan process.

.24 Cause Determination

.241 The CWD shall schedule a cause determination appointment time within 20 calendar days of the notice of action during which each individual who has failed or refused to comply with program requirements has an opportunity to demonstrate that he or she has good cause for the refusal or failure.

.242 The individual shall be allowed to reschedule the cause determination appointment once within the 20-calendar-day period.

.25 If the individual fails to attend the appointment, the CWD shall attempt to contact the individual by telephone at the time of, or after, the appointment to establish a finding of good cause or no good cause. If a finding of no good cause is made, the CWD shall develop a compliance plan to correct the instance of nonparticipation.

.26 If the CWD is not able to contact the individual as described in Section 42-721.25, and the individual fails to contact the CWD within the 20-calendar-day period, the CWD shall impose a sanction.

.27 The CWD shall rescind the notice of action if the individual attends the appointment or contacts the CWD by telephone within 20-calendar-day period and the CWD makes either of the following two determinations:

.271 The individual had good cause for refusing or failing to comply, or

.272 The individual agrees to a compliance plan to correct the noncompliance.

- (a) If the individual agrees to a compliance plan at the appointment, the individual shall be provided a copy of the plan. If the individual agrees to a compliance plan over the telephone, a copy of the plan shall be mailed to the client.

.28 An instance of noncompliance shall not be considered to have occurred if either of the following occurs:

.281 The CWD determines that the individual had good cause for failing or refusing to comply.

.282 The individual did not have good cause for failing or refusing to comply, but agrees to a compliance plan and subsequently fulfills the terms of the compliance plan.

.29 If the individual does not fulfill the terms of a written compliance plan agreed upon with the CWD and the CWD determines, based on available information, that the individual did not have good cause for failure to meet the terms of the plan, the CWD shall send a notice of action to impose a sanction. If a sanction is imposed under the terms of this paragraph, no further compliance procedures are applicable.

.3 Good Cause for Failure or Refusal to Comply with Program Requirements

.31 No sanctions shall be applied for failure or refusal to comply with program requirements for reasons related to employment, an offer of employment, an activity, or other training for employment including, but not limited to, the following reasons:

.311 The employment, offer of employment, activity, or other training for employment discriminates in terms of age, sex, race, religion, national origin, or physical or mental disability.

.312 The employment or offer of employment exceeds the daily or weekly hours of work customary to the occupation.

.313 The employment, offer of employment, activity, or other training for employment is remote from the individual's home because either:

(a) The round-trip travel time required exceeds a total of two hours, exclusive of the time necessary to transport family members to a school or place providing care, or

(b) Walking is the only available means of transportation and the round-trip is more than two miles, exclusive of the mileage necessary to accompany family members to a school or a place providing care.

An individual who fails or refuses to comply with the program requirements based on the remoteness of the employment, offer of employment, activity, or other training for employment shall be required to participate in community service activities in accordance with Section 42-716.4.

.314 The employment, offer of employment, activity, or other training for employment involves conditions that are in violation of applicable health and safety standards.

.315 The employment, offer of employment, or work activity does not provide for worker's compensation insurance.

.316 Accepting the employment or work activity would cause an interruption to an approved education or job training program in progress. For purposes of this section, an education or job training program includes all welfare-to-work activities described in Section 42-716, except work experience or community service assignment.

(a) The approved education or job training program in progress must lead to employment and sufficient income to be self-supporting.

(b) If the hours of participation in the approved education or job training program in progress are less than the hours required as a condition of eligibility for aid, the CWD may require the individual to engage in welfare-to-work activities to the extent necessary to meet the required hours of participation.

.317 Accepting the employment, offer of employment, or work activity would cause the individual to violate the terms of his or her union membership.

.32 In determining whether good cause exists for a refusal or failure to comply with program requirements, the CWD shall take into consideration whether the participant has a mental disability that caused or substantially contributed to the refusal or failure to comply with program requirements. This determination shall be made, where appropriate, in consultation with the county mental health department.

.33 An individual shall have good cause for not participating in welfare-to-work activities if he or she meets the criteria described in Section 42-713.

.4 Sanctions

.41 Financial sanctions shall be applied when a non-exempt welfare-to-work participant has failed or refused to comply with program requirements without good cause and compliance efforts have failed.

.411 Any month in which an individual is under sanction and removed from the assistance unit shall not be counted as a month of receipt of aid in determining the 60-month time limit in accordance with Section 42-305.115.

.412 Any month in which an individual is under sanction and removed from the assistance unit shall not be counted in determining the 18- and 24-month time limits in accordance with Section 42-710.63.

- .42 The sanctions shall not apply to an individual who is exempt from the welfare-to-work requirements and is voluntarily participating in the Welfare-to-Work Program. If an exempt volunteer engages in conduct that would bring about the sanction procedures described below but for his or her status as a volunteer, the individual shall not be given priority over other participants actively seeking to participate.
- .43 Financial sanctions for failing or refusing to comply with program requirements without good cause shall result in a reduction in the family's grant by removing the noncomplying family member from the assistance unit for a period of time that increases in the following manner:
- .431 The first instance of noncompliance without good cause shall result in a financial sanction until the noncomplying participant performs the activity(ies) he or she previously refused to perform.
- .432 The second instance of noncompliance without good cause shall result in a financial sanction for three months or until the noncomplying participant performs the activity(ies) he or she previously refused to perform, whichever is longer.
- .433 The third and each subsequent instance of noncompliance without good cause shall result in a financial sanction for six months or until the noncomplying participant performs the activity(ies) he or she previously refused to perform, whichever is longer.
- .44 The discontinuance from aid shall become effective on the first day of the first payment month that the sanctioned individual's needs are removed from aid following the CWD's timely and adequate notification (see Section 22-022.1), except as specified in Section 42-721.441.
- .441 If the recipient appeals the sanction through the state hearing process within the period of timely notification, no sanction shall be imposed until the hearing decision is reached.
- (a) If the CWD's action is sustained, the discontinuance shall be effective at the end of the payment month in which the state hearing decision is received.
- (1) If the CWD is unable to discontinue aid at the end of such month, aid shall be discontinued at the end of the following payment month.
- .45 In a two-parent family whose basis for deprivation is unemployment, the sanctioned parent shall be removed from the assistance unit.
- .451 If the sanctioned parent's spouse or the family's second parent is not

participating in the program, except as provided in Section 42-721.453, both the sanctioned parent and the spouse or second parent shall be removed from the assistance unit.

.452 The CWD shall notify the spouse of the noncomplying participant or second parent in writing at the commencement of the compliance procedures of his or her own opportunity to participate and the impact on sanctions of that participation.

.453 For purposes of this section, if a spouse or second parent is participating to avoid the sanction of the noncomplying parent, the exemption criteria for care of an ill or incapacitated member of the household and the care of a child under six months of age (or age determined by the CWD) do not apply. Any other exemption or good cause criteria, as described in Sections 42-712 and 42-713 and compliance procedures described in Section 42-721, shall apply to the sanctioned parent's spouse or the family's second parent.

.454 A spouse or second parent who chooses to participate to avoid the noncomplying parent's sanction, and subsequently ceases participation without good cause and fails or refuses to agree to or fulfill the terms of a compliance plan without good cause, shall be removed from the assistance unit for a period of time specified in Section 42-721.43.

.455 If the sanctioned parent's spouse or the second parent is under his or her own sanction at the time of the first parent's sanction, the spouse or second parent shall not be provided the opportunity to avoid the first parent's sanction until the spouse or second parent's sanction is completed.

.46 For families that qualify due to the absence or incapacity of a parent, only the noncomplying parent shall be removed from the assistance unit, and aid shall be continued to the remainder of the family.

~~42-786.5~~ .461 The CWD shall arrange for a protective payee in accordance with Section 44-309 as specified in Section 42-786.311.

.47 If the noncomplying individual is the only dependent child or one of several dependent children in the family, his or her needs shall not be taken into account in determining the family's need for assistance and the amount of the assistance payment.

~~42-786.6~~

.48 The CWD shall restore aid:

- ~~.61~~ .481 Upon expiration of the sanction period if the individual applies for aid, is determined to be in compliance with program requirements, and is otherwise eligible; or
- ~~.62~~ .482 If the sanction is rescinded as a result of the outcome of a state hearing or the formal grievance procedure established ~~pursuant to~~ in accordance with Section 42-78721.5.

~~42-787~~ GAIN STATE HEARING AND FORMAL GRIEVANCE

~~42-787~~

.5 State Hearing and Formal Grievance

.51 Except as specified in Section 42-787.22, ~~.23, or .24~~21.512(b), .512(c), or .512(d), when a participant believes that any program requirement or assignment is in violation of, or inconsistent with, state law and regulations governing the GAIN Welfare-to-Work ~~p~~Program, the CWD shall inform him/her of the right either to request a state hearing or to file a formal grievance based on the procedures established by the county board of supervisors.

.511 State Hearing

~~.44~~ (a) The CWD shall inform the individual of his/her right to file an appeal through the state hearing process as an alternative to the formal grievance procedures.

~~.42~~ (b) Procedures for a state hearing are specified in MPP Division 22.

~~.43~~ (c) With the exception of GAIN welfare-to-work supportive services (see Section 42-750.~~4213~~), aid will continue if the individual appeals through the state hearing process within the period of timely notification (see Section 42- ~~786.44~~21.441).

~~.44~~ (d) If a GAIN welfare-to-work participant or other affected party is dissatisfied with a state hearing decision involving on-the-job working conditions, or workers compensation coverage, ~~or wage rates used to calculate PREP hours of participation~~, the party may appeal the decision to the United States Department of Labor.

~~.441~~ (1) A copy of the written decision shall be issued to all affected parties and shall identify the right to federal appeal. The decision shall also provide the address and instructions for filing an appeal.

(aA) The instructions shall include the requirement that the appeal be filed within 20 calendar days following receipt of the written decision.

- ~~.15~~ (e) The participant shall be permitted to request a state hearing to appeal the outcome of a formal grievance.
- ~~.512~~ Formal Grievance Procedures
- ~~.21~~ (a) The procedures for a formal grievance established by the county board of supervisors and the duration of these procedures shall be specified in the county plan. ~~See Section 42-720.37.~~
- ~~.22~~ (b) The sole issue for resolution through a formal grievance shall be whether a program requirement or assignment is in violation of the ~~contract~~ welfare-to-work plan or inconsistent with the program.
- ~~.23~~ (c) The participant shall not be permitted to use the formal grievance to appeal the outcome of a state hearing, the requirement to sign a ~~contract~~ welfare-to-work plan, or the results of an assessment made according to Section 42-773.411.55.
- ~~.231~~ (1) Nothing in Section 42-787.2321.512(c) shall be construed to exclude ~~registrants~~ applicants or recipients who fail to sign a ~~contract~~ welfare-to-work plan from the ~~conciliation~~ compliance process specified in Section 42-78421.2.
- ~~.24~~ (d) The formal grievance shall not be available to a noncomplying individual who has already failed to successfully conciliate in accordance with Section 42-78421.2. Under those circumstances, the ~~registrant~~ applicant or recipient may request a state hearing to appeal a program requirement or assignment.
- ~~.25~~ (e) The individual shall be subject to sanction pending the outcome of the formal grievance or any subsequent appeal only if he/she fails to participate during the period the grievance procedure is being processed.
- ~~.513~~ The CWD shall address any complaints of discrimination based on race, color, national origin, religion, political affiliation, marital status, sex, age, or handicap which may arise through an applicant's/recipient's ~~registration for, or participation in, GAIN Welfare-to-Work~~ in accordance with the provisions of MPP Division 21 - Nondiscrimination in State and Federally Assisted Programs.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11320, 11320.31; 11327.4, 11327.5(a) through (e), 11327.6, 11327.8; and 11327.9; 11328.2; 11333.7, and 11454, Welfare and Institutions Code; 45 CFR 205.10; 45 CFR 251.5; 45 CFR 251.5(a) through (d); and 45 CFR 255.2(h)(2).

Adopt new Section 42-750; renumber existing Section 42-750.12 to new Section 42-750.213, existing Section 42-750.8 to new Section 42-750.4, and existing Section 42-750.9 et seq. to new Section 42-750.33 et seq., and amend to read:

42-750 SUPPORTIVE SERVICES

42-750

.1 Supportive Services

.11 Necessary supportive services shall be available to every participant in order to participate in the program activity to which he or she is assigned or to accept employment. If necessary supportive services are not available, the individual shall have good cause for not participating under Section 42-713.21. As provided in the welfare-to-work plan entered into between the CWD and participant, supportive services shall include all of the following:

.111 Child care as described in Chapter 47-100.

.112 Transportation. Regional market rates shall be determined as follows:

(a) The least costly form of public transportation, including CWD provided transportation, that would not preclude participation in welfare-to-work activities pursuant to Section 42-721.313.

(b) If there is no public transportation available which meets these requirements, participants may use their own vehicles. Participants shall be reimbursed at one of the following rates:

(1) The county shall select an existing reimbursement rate used in the county, or

(2) The county shall develop a rate that covers necessary costs.

(3) The reimbursement rate may not include a "cap," or maximum monthly reimbursement amount, beyond which additional miles driven are not reimbursed.

(c) Parking for welfare-to-work participants shall be reimbursed at actual cost. Participants shall submit receipts for this purpose, except in cases where parking meters are used.

(d) Participants who choose to use their own vehicles when public transportation is available will be reimbursed at the least expensive reimbursement rate of available transportation pursuant to Sections 42-750.112(a) and (b).

HANDBOOK BEGINS HERE

.113 Ancillary expenses shall include the cost of books, tools, clothing specifically required for the job, fees, and other necessary costs.

.114 A participant who has personal or family problems that would affect the outcome of the welfare-to-work plan entered into based on welfare-to-work activities shall, to the extent available, receive necessary counseling or therapy to help him or her and his or her family adjust to his or her job or training assignment.

HANDBOOK ENDS HERE

.2 Supportive Services Payments

.21 Payments for supportive services, except child care as described in Chapter 47-100, will be advanced to the participant when necessary and desired by the participant so that the participant need not use personal funds to pay for these services.

.211 Notwithstanding any other provision of welfare-to-work activities, any participant in on-the-job training who becomes ineligible for CalWORKs due to earned income, hours worked, or loss of income disregards, will remain a participant in the program under welfare-to-work activities for the duration of the on-the-job training assignment. The participant will be eligible for supportive services for the duration of the on-the-job training, provided this duration does not exceed the time limits otherwise applicable to the recipient.

.212 Notwithstanding any other provision of welfare-to-work activities, any participant in on-the-job training, grant-based on-the-job training, supported work, or transitional employment who remains eligible for aid will be eligible for transportation and ancillary expenses as specified in this section.

.12 .213 When a participant requests a hearing within the period of timely notification (see Section 22-022.5) to appeal a suspension, reduction, or termination of ~~GAIN~~ CalWORKs welfare-to-work supportive services or a change in the method of providing such services, the participant shall not be entitled to a continuation of ~~GAIN~~ CalWORKs welfare-to-work supportive services in the same amount or form pending the hearing decision. The participant shall be entitled to supportive services only at the level and in the form authorized by the county action under appeal.

.3 Coordination of Supportive Services and Financial Aid

.31 The CWD shall encourage participants to apply for financial aid, including educational grants, scholarships, and awards.

- ~~.32~~ .32 Reimbursement for SIPs (see Section 42-711.54) shall be provided if no other source of funding for those costs is available. Any offset to supportive services payments will be made in accordance with financial aid provisions as specified in Section 42-750.33.
- ~~.9~~ .33 Treatment of Financial Aid
- ~~.91~~ .331 The CWD shall consider the availability of financial aid received by the participant in the form of educational grants, scholarships and awards when determining the need for ~~GAIN~~ welfare-to-work supportive services payments.
- ~~.92~~ .332 The CWD shall not deny or reduce ~~GAIN~~ welfare-to-work supportive services if the participant indicates that the financial aid is not available to meet supportive services needs ~~allowable under Section 42-750.~~
- ~~.93~~ .333 The CWD shall document all determinations regarding consideration of a participant's educational grants, scholarships and awards in the case file.
- ~~.94~~ .334 The CWD shall attempt to enter into written agreements with the financial aid office at appropriate educational institutions providing ~~GAIN~~ welfare-to-work services in order to avoid duplication of supportive services payments to ~~GAIN~~ welfare-to-work participants.
- ~~.941~~ .335 Any agreement between the CWD and the institution shall include, but not be limited to the following:
- (a) A description of the supportive services to be provided by each party.
 - (b) A provision for amendment and modification as necessary.
 - (c) A provision that supportive services needs will be evaluated on a case-by-case basis.
- ~~.95~~ .34 Educational loans or work study program awards shall be excluded from consideration when determining supportive services needs.
- ~~.84~~ Supportive Services Notice Requirements for Transportation and Ancillary Support Services
- ~~.841~~ .841 Participants shall be notified of specific arrangements for authorized transportation and ancillary supportive services through an appropriate Notice of Action (NOA) which shall be issued pursuant to the procedures specified in MPP Division 22.

.8411 NOAs shall be issued to ~~GAIN~~ CalWORKs participants for the following types of supportive services actions and changes:

- (a) Approval of supportive services and the level and method of payment;
 - (1) The CWD shall inform participants who receive an advance payment that the unused portion of the advance will be collected as specified in Section 42-7501.6.
 - (2) The CWD shall inform participants who receive advance payments that receipt of subsequent advance payments is contingent upon CWD receipt of proof of costs incurred no later than the 10th day of the month following the month for which the advance payment was made.
- (b) Denial of requests by ~~GAIN~~ CalWORKs participants for ~~GAIN~~ CalWORKs supportive services arrangements or payments;
- (c) Changes to existing supportive services payments and arrangements;
- (d) Collection of supportive services overpayments from ~~GAIN~~ CalWORKs participants pursuant to Section 42-751;
- (e) Termination of supportive services arrangements or payments.

~~.812 Trustline Notice Requirements~~

~~The county shall issue an appropriate Notice of Action (NOA) to the AU, in accordance with the notice requirements in MPP Section 22-022, to discontinue or deny child care payments within two working days after notification by the California Department of Justice or the California Child Care Resource and Referral Network that:~~

- ~~(a) A child care provider has been denied Trustline registration.~~
- ~~(b) A child care provider's Trustline case file has been closed.~~
- ~~(c) A child care provider's eligibility for Trustline registration has been revoked.~~

~~.813 The county shall issue a NOA approving the initial child care payment, which limits the initial period of payment to no more than 30 calendar days from the date the Informing Notice, CCP 2, was given to the AU as specified in Section 42-750.315. The NOA shall advise the AU that if the license exempt child care provider fails to submit the application as required in Section 42-750.314, the AU's child care payment for that provider shall be discontinued~~

~~without any further notice.~~

.8414 NOAs are not required for the following types of supportive services actions:

- (a) Approval of supportive services for one-time, short-term activities. Short-term activities include orientation/appraisal and school field trips.
- ~~(b) Approval of payments for child care for temporary, substitute providers. This includes short term care for sick children.~~
- (eb) Approval of payments which are equal to the amount claimed by the ~~GAIN~~ CalWORKs participant or the service provider.

.842 The CWD shall inform participants of the requirement to provide prior notification to the CWD of changes in transportation and ancillary supportive services arrangements at least ten calendar days before an anticipated change, except in emergency or exceptional situations.

~~.821 Emergency or exceptional situations shall include, but are not limited to suspected child abuse, provider's arrest, and damage to the facility.~~

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11320, 11320.3(f)(1), 11320.31(c), 11323.2, 11323.4, and 11325.23(d), Welfare and Institutions Code.

Adopt new Section 42-751; renumber existing Sections 42-751.32 et seq. to new Section 42-751.3(c) et seq., existing Sections 42-751.4 through .431 et seq. to new Section 42-751.3(d) et seq., existing Sections 42-751.432, and .44 et seq. to new Sections 42-751.3(e) and .3(f) et seq., and amend to read:

42-751 UNDERPAYMENTS AND OVERPAYMENTS FOR 42-751
TRANSPORTATION AND ANCILLARY SUPPORT SERVICES

.1 General Criteria

.11 The CWD shall take all reasonable steps necessary to promptly correct any overpayment or underpayment of transportation and ancillary supportive services payments to a recipient or a service provider including, but not limited to, all cases involving fraud and abuse, consistent with these regulations.

.2 Adjustment Amounts

.21 When an underpayment or denial of supportive services occurs and as a result the applicant or recipient does not receive the amount to which he or she should have received, the CWD shall provide supportive services equal to the full amount of the underpayment.

.3 Collection of Overpayments

(a) If the individual is no longer receiving aid under CalWORKs, recovery of overpayments will not be attempted where the outstanding overpayments are less than thirty-five dollars (\$35). Reasonable cost-effective efforts at collection shall be implemented where the overpayment amounts owed are thirty-five dollars (\$35) or more.

(b) If the overpayment is the result of fraud, the CWD shall attempt to recover the overpayment regardless of the amount.

(c) Overpayment Collection Deferrals

~~.32~~ ~~Deferred Repayment~~

~~.321~~ ~~The following provisions for deferred overpayment collection shall be applicable only to current GAIN participants.~~

~~(a1)~~ The collection and recovery of any overpayment shall be deferred if it is not cost effective to pursue the collection. The CWD shall defer collection and recovery of any overpayment if the collection would result in disruption of child care arrangements, preclude participation in ~~the program~~ welfare-to-work activities, or prevent employment.

(2) The CWD shall: (1) ~~The CWD shall~~ notify the participant of the deferral ~~criteria~~ and when a decision to defer overpayment collection is made; (2) ~~The CWD shall~~ reevaluate the need for deferring repayment ~~whenever the participant's participation status changes (from one component to the next, deregistration, etc.);~~ necessary; (3) ~~The CWD shall~~ document the expected ending date of the deferred repayment status.

.4 (d) ~~Overpayment Recovery Methods~~ Reasonable efforts shall include written notification of the amount of the overpayment and that repayment is required. The following are reasonable cost-effective collection methods:

.4(1) ~~Balancing.~~

.411 ~~When an individual has both an overpayment and an underpayment, the county CWD may offset one against the other, subject to the provisions in Section 42-751.32(f).~~

.4(2) ~~Voluntary Cash Recovery.~~

.421 ~~The county CWD shall accept any voluntary cash payment from an individual to pay any portion of an existing overpayment.~~

.4(3) ~~Grant Adjustment.~~

.431 ~~The individual shall be permitted to have supportive services overpayments adjusted from his/her AFDC the CalWORKs grant when the individual is receiving AFDC CalWORKs, provided:~~

(a) ~~A~~ The individual chooses this method of recovery; and

(b) ~~B~~ The individual agrees with the amount of the ~~AFDC~~ CalWORKs grant adjustment.

.432 (e) ~~Individuals shall be allowed to revoke a repayment agreement incorporating grant adjustment at any time and enter into a new repayment agreement with the CWD county.~~

.44 (f) Supportive Services Payment Adjustment

.441 (1) The following payment adjustment provisions shall be applicable only to current ~~GAIN~~ welfare-to-work participants:

.442 ~~Any recovery of child care overpayments shall only be collected from future child care payments.~~

- ~~.443 Any recovery of transportation and/or ancillary expense overpayments shall only be collected from future transportation and/or ancillary expense payments.~~
- .444 (A) The maximum recovery from the current payment(s) shall be as follows:
- (a) 1. Ten percent of the total payment, for recipient-caused overpayments, unless the individual volunteers to pay a higher percentage.
 - (b) 2. Five percent of the total payment for overpayments resulting from administrative error, unless the individual volunteers to pay a higher percentage.
- .445 (B) When recovery is made in full from a subsequent supportive services payment, the participant shall be informed, in writing ~~according to the provisions in Section 42-750.811.~~
- .446 (C) When the current payment adjustment is not enough to recover the entire overpayment or no claim is received in a given month, then the remaining amount of the overpayment shall be applied to succeeding month(s), and the adjustment process shall be repeated as specified ~~in Sections 72-751.442, .443, and .444~~ above.
- (a) (D) When any adjustment is made, the ~~county~~ CWD shall notify the participant ~~as specified in Section 42-750.811~~ in writing.
- .447 (E) When no subsequent payment(s) are available for an adjustment to be made, because the individual becomes exempt and does not volunteer to participate or loses eligibility for ~~AFDC~~ CalWORKs the ~~county~~ CWD shall attempt to establish or obtain a new repayment agreement ~~as specified in Sections 42-751.442, .443 and .444.~~
- .448 (F) The ~~county~~ CWD shall notify the participant in writing when a reduction is made to adjust current supportive services ~~as specified in Sections 42-750.811(c) and (d).~~
- (g) If the individual responsible for the overpayment to the assistance unit is no longer eligible for CalWORKs, or if he or she becomes a member of another assistance unit:
- (1) Recoupment of overpayments will be made against the individual or his or her present assistance unit, or both.
- (h) Where an overpayment has been made to an assistance unit which is no longer receiving CalWORKs, recovery will be made by appropriate action under state law

against the income or resources of the individual responsible for the overpayment or against the members of the former assistance unit.

(i) Recovery of Overpayments.

(1) Any suits to recover overpayments from CalWORKs applicants, recipients and payees will be brought on behalf of the county by the county counsel unless the board of supervisors delegates such duty to the district attorney by ordinance or resolution.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10063, 11004(g), (h), (i), (k), and (l), and 11323.4(b), Welfare and Institutions Code.

Adopt Section 42-780 to read:

42-780 COUNTY PLANS FOR CalWORKs

42-780

- .1 Each county shall have a plan which describes how the county intends to deliver the full range of activities and services necessary to move CalWORKs recipients from welfare to work.

HANDBOOK BEGINS HERE

- .11 A suggested format was provided to the counties in an All-County Letter (ACL) 97-54 dated September 10, 1997.

- .12 Required contents of the county plans are listed in Welfare and Institutions Code Sections 10530, 10531, 10542(a), 11321.6, 11322.7, 11322.9(d), 11323.2(b), 11325.7(b), 11325.8(a), 11327.8(a), 11495.15, and 13280.

HANDBOOK ENDS HERE

- .2 The county plan shall describe the county's plans to participate in the job creation program established by Government Code Section 15365.50 et seq. as added by AB 1542.
- .3 The county plan shall describe discussions between the county and any federally recognized Indian tribe in the county regarding whether the tribe intends to operate a tribal TANF program, county expenditures on recipients, and equitable access to assistance.
- .4 The county plan shall describe the criteria specified at Sections 42-712.471(b)(1) and .472(a)(1) for reducing or extending the exemptions for care providers of infants.
- .5 The County Welfare Director and County Board of Supervisors shall approve the plan, and any significant revisions or addenda thereto, and certify that the county will operate the CalWORKs Program described therein.
- .51 All revisions/addenda, no matter how minor, shall be submitted to the Department, as they occur.
- .52 A letter identifying the sections of the county plan being revised shall accompany the revisions/addenda.
- .53 A county may implement revisions/addenda when they are submitted to the Department.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10530, 10531, 10532(b)(1), 10542, 10553.2(d), 11321.6, 11322.7, 11322.9, 11323.2, 11325.7, 11325.8, 11327.8, 11329.4, 11495.15, and 13280, Welfare and Institutions Code; and 42 U.S.C. 602(a)(5) and 612.

Amend Chapter 42-800 and Section 42-800 to read:

CHAPTER 42-800 ~~GAIN~~ WELFARE-TO-WORK REQUIREMENTS FOR REFUGEE CASH ASSISTANCE (RCA) PARTICIPANTS

42-800 ~~GAIN~~ WELFARE-TO-WORK REQUIREMENTS FOR RCA PARTICIPANTS: INTRODUCTION 42-800

- .1 RCA eligibles who are residing in areas in which the county plan provides for their participation in the ~~GAIN~~ Welfare-to-Work pProgram shall be required, as a condition of eligibility, to ~~register and~~ participate in ~~GAIN~~ welfare-to-work activities.
- .2 All Chapter 42-700 regulations shall apply for purposes of Refugee Cash Assistance ~~GAIN~~ welfare-to-work participants, unless superseded by regulations contained in Sections 42-800 through 42-8121.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320, and 11321.6(b) and (d), Welfare and Institutions Code.

Amend Section 42-801 to read:

42-801 ~~GAIN REGISTRATION~~ WELFARE-TO-WORK PARTICIPATION 42-801
FOR RCA ~~GAIN~~ PARTICIPANTS

- .1 The RCA eligible who meets the criteria in Sections 69-206.1~~21~~ and 42-800.1 and who is not exempt under Section 69-208.4, shall ~~register~~ participate, as a condition of eligibility, ~~with the CWD for GAIN.~~
- .2 If the individual fails or refuses to ~~register~~ participate, the procedures in Sections 69-209 and 69-210 shall apply.
- .3 The CWD shall follow the procedures in Sections ~~42-760 and 42-761~~ 42-711 except that RCA ~~GAIN~~ welfare-to-work participants are not eligible for supportive services unless funded through ~~non-GAIN~~ sources other than CalWORKs.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320, and 11321.6(b) and (c), Welfare and Institutions Code.

Amend Section 42-802 to read:

42-802 JOB, TRAINING, AND EDUCATION FOR RCA ~~GAIN~~ 42-802
 WELFARE-TO-WORK PARTICIPANTS

.1 Education Services

.11 RCA ~~GAIN~~ welfare-to-work participants may participate in college and community college educational programs provided it does not constitute full-time attendance as defined in Section 69-206.5 or is exempt under Section 69-206.52 or .53.

.2 ~~Preemployment Preparation Program (PREP) Assignment~~ Work experience as described in Section 42-716.111(d).

~~.21 For purposes of determining the number of hours a person participates in a PREP assignment see Section 42-730.323.~~

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320, and 11321.6(b) and (d), Welfare and Institutions Code; and 45 CFR 400.203.

Amend Section 42-803 Title to read:

42-803	BASIC PARTICIPANT CONTRACT <u>WELFARE-TO-WORK PLAN</u> REQUIREMENTS FOR RCA GAIN <u>WELFARE-TO-WORK</u> PARTICIPANTS	42-803
--------	---------------------------------------------------------------------------------------------------------------------------------------	--------

.1 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320 and 11321.6, Welfare and Institutions Code.

Amend Section 42-804 to read:

42-804 DEVELOPMENT OF AN ~~EMPLOYMENT~~ WELFARE-TO-WORK 42-804
PLAN FOR RCA ~~GAIN~~ PARTICIPANTS

- .1 All RCA ~~GAIN~~ welfare-to-work participants shall cooperate with the CWD, or agency contracting with the CWD, to develop a mutually agreed upon ~~employment~~ welfare-to-work plan according to the requirements of Section 69-208.1.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320 and 11321.6, Welfare and Institutions Code; and 45 CFR 400.79.

Amend Section 42-805 Title to read:

42-805	RCA JOB SEARCH <u>FOR RCA WELFARE-TO-WORK PARTICIPANTS</u>	42-805
--------	-----------------------------------------------------------------------	--------

.1 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320 and 11321.6, Welfare and Institutions Code; and 45 CFR 400.79.

Amend Section 42-806 to read:

42-806 SERVICES FOR RCA ~~GAIN~~ WELFARE-TO-WORK PARTICIPANTS 42-806

- .1 ~~RCA GAIN services shall be funded according to Section 42-720.13.~~ The CWD shall maintain separate accounting records of expenditures for RCA welfare-to-work participants.
- .2 The CWD shall fund RCA welfare-to-work services with the CWD's federal social services and targeted assistance allocation.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320, and 11321.6(c) and (d), Welfare and Institutions Code.

Amend Section 42-807 to read:

42-807 CAUSE DETERMINATIONS AND ~~CONCILIATION COMPLIANCE~~ 42-807
FOR RCA ~~GAIN~~ WELFARE-TO-WORK PARTICIPANTS

- .1 Cause determination and ~~conciliation~~ compliance requirements in Sections ~~42-781.1 through 42-721.1~~ and .2 shall apply. Section ~~42-781.9~~ 42-721.4 shall not apply to RCA ~~GAIN~~ welfare-to-work participants.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, ~~and~~ 10554, 11320, and 11321.6, Welfare and Institutions Code.

Amend Section 42-808 to read:

42-808 GOOD CAUSE CRITERIA FOR RCA ~~GAIN~~ 42-808
 WELFARE-TO-WORK PARTICIPANTS

.1 All good cause criteria specified in Section 69-209.4 shall apply. Good cause criteria specified in Sections ~~42-782 and 42-783~~ 42-721.3 shall also apply ~~except for Section 42-783.1(m).~~

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, ~~and~~ 10554, 11320, and 11321.6, Welfare and Institutions Code.

Repeal Section 42-809:

~~42-809 METHOD OF DETERMINING NET LOSS OF INCOME 42-809~~

~~.1 Net loss of income provisions in Section 42-784 shall not apply to RCA GAIN participants.~~

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320 and 11321.6, Welfare and Institutions Code.

Renumber Section 42-810 to Section 42-809 and amend to read:

42-8409 ~~CONCILIATION COMPLIANCE FOR RCA GAIN~~ 42-8409
WELFARE-TO-WORK PARTICIPANTS

.1 For ~~conciliation~~ compliance procedures, refer to Sections ~~42-781.4 through .8~~ 42-721.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320 and 11321.6, Welfare and Institutions Code.

Renumber Section 42-811 to Section 42-810 and amend to read:

42-8140 FINANCIAL SANCTIONS FOR RCA ~~GAIN~~
WELFARE-TO-WORK PARTICIPANTS

42-8140

- .1 If the nonexempt, ~~nondeferred~~ RCA ~~GAIN~~ welfare-to-work participant has refused or failed, without good cause, to meet or comply with the requirements of Sections 69-208.1 through 69-208.3 and Sections ~~42-781.11 through .13~~ 42-721.2 through .214, and the ~~conciliation~~ compliance efforts in Sections ~~42-781.4 through .8~~ 42-721.1 and .2 have failed, the CWD shall discontinue benefits in accordance with Section 69-210.2.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, ~~and~~ 10554, 11320, and 11321.6, Welfare and Institutions Code.

Renumber Section 42-812 to Section 42-811 and amend to read:

42-8121 STATE HEARINGS FOR RCA ~~GAIN~~ WELFARE-TO-WORK 42-8121
PARTICIPANTS

- .1 State hearing and formal grievance procedures in Section ~~42-787~~ 42-721.5 shall not apply to RCA ~~GAIN~~ welfare-to-work participants. For state hearing procedures, refer to Section 69-221.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320 and 11321.6, Welfare and Institutions Code.

Amend Chapter 42-1000 and Section 42-1001 to read:

Chapter 42-1000 ~~GAIN~~ WELFARE-TO-WORK SUPPLEMENTAL REFUGEE SERVICES
(SRS) COMPONENT

42-1001 BACKGROUND

42-1001

AB 3254, Chapter 379, Statutes of 1990, established the GAIN SRS Component. Counties may elect to maintain the SRS Component within the ~~GAIN~~ CalWORKs Welfare-to-Work Program for ~~GAIN~~ Welfare-to-Work-eligible ~~AFDC~~ CalWORKs refugees who would otherwise be temporarily excepted from ~~GAIN~~ Welfare-to-Work services. These services shall complement regular ~~GAIN~~ Welfare-to-Work services to prepare the refugee for self-sufficiency.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10063, 11320, and 13280, Welfare and Institutions Code.

Amend Section 42-1002 to read:

42-1002 INTRODUCTION - ~~GAIN~~ WELFARE-TO-WORK REQUIREMENTS 42-1002
FOR SRS PARTICIPANTS

All Chapter 42-700 regulations shall apply to ~~GAIN~~ Welfare-to-Work SRS participants, unless superseded by regulations contained in Sections 42-1000 through 42-1012.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11320, and 13280, Welfare and Institutions Code.

Amend Sections 42-1003.1, 3, .4, .6, and .7 and Handbook Section 42-1003.2 to read:

42-1003 SRS COUNTY PLAN COORDINATION AND CONSULTATION 42-1003

- .1 That portion of the county's ~~GAIN~~ CalWORKs Plan which addresses the implementation of the SRS Component shall be developed with significant participation by and input from public and private agencies/organizations involved in refugee resettlement. The county's planning process shall include representatives from refugee community-based organizations, voluntary agencies, local public/private providers of services to refugees, and refugee community leaders.

HANDBOOK BEGINS HERE

- .2 Counties may use the ~~GAIN~~ CalWORKs planning process if that process meets the requirements specified above.

HANDBOOK ENDS HERE

- .3 If the county's ~~GAIN~~ CalWORKs planning process does not meet the requirements contained in Section 42-1003.1, the county shall conduct a supplementary planning process.
- .4 That portion of the county's ~~GAIN~~ CalWORKs plan which describes the SRS Component shall describe the planning process. This description shall identify the planning participants and discuss how the proposed services reflect the information received during the planning process.
- .5 (Continued)
- .6 Counties shall not be required to use the ~~GAIN~~ CalWORKs Welfare-to-Work client flow process. Counties electing not to use the ~~GAIN~~ CalWORKs Welfare-to-Work client flow process shall develop and implement county-specific client flow processes which shall be subject to SCDSS review and approval.
- .7 Counties shall annually update that section of the county ~~GAIN/JOBS~~ CalWORKs Plan which contains the discussion and description of the SRS Component. The SRS update may be coordinated with the annual update of the county ~~GAIN~~ CalWORKs Plan.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320, 13277, 13278, and 13280, Welfare and Institutions Code and Federal Register, Volume 51, No. 166, pages 30546 through 30553 dated Wednesday, August 27, 1986.

Amend Section 42-1005.4 to read:

42-1005 BASIC LITERACY LEVEL ASSESSMENT FOR SRS
COMPONENT PARTICIPANTS (Continued)

42-1005

- .4 The service needs determination process shall be described in detail in the section of the ~~GAIN~~ county CalWORKs Plan which includes the SRS Component.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320 and 13280, Welfare and Institutions Code ~~and 45 CFR~~
~~250.41.~~

Amend Sections 42-1007.1, .2, .3, .31, and .36 to read:

42-1007 SRS PARTICIPANT ~~CONTRACTS~~ PLANS

42-1007

- .1 Counties shall use ~~contracts~~ plans for clients participating in the SRS Component.
- .2 Counties shall be permitted to use the ~~GAIN~~ participant's welfare-to-work ~~participant~~ ~~contracts plan~~ or, subject to CDSS review and approval, develop their own county-specific ~~contracts plans~~.
- .3 All client ~~contracts plans~~ shall be signed by the participant and the provider agency and shall, at a minimum, contain the following information:
 - .31 The purpose of the ~~contract~~ plan; (Continued)
 - .36 A detailed description of the types of supportive services generally available to SRS ~~GAIN~~ welfare-to-work participants and a statement that supportive services shall be provided to the participant (see Section 42-750).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320 and 13280, Welfare and Institutions Code ~~and 45 CFR 250.42~~.

Amend Section 42-1008.1 to read:

42-1008 PURCHASE OF SERVICE CONTRACTS

42-1008

- .1 Except where prohibited by CDSS regulations governing third-party contracts (MPP Chapter 23-600 Purchase of Service and Section 42-718.1), counties electing to implement the SRS Component to provide services for refugee applicants for, and recipients of, ~~AFDC~~ CalWORKs shall be permitted to use performance-based contracts to purchase such services.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10063, 10553, ~~and~~ 10554, and 13280, Welfare and Institutions Code.

Amend Section 42-1009.112 to read:

42-1009 MANDATORY COMPONENTS FOR SRS PARTICIPANTS

42-1009

.1 The SRS Component shall include the following four services and activities.

.11 Any educational activity below the postsecondary level that the agency determines to be appropriate to the participant's employment goal. Such activities may be combined with training that the agency determines is needed in relation to the participant's employability plan. The educational activities that shall be made available include, but are not limited to: (Continued)

.112 Basic and remedial education that will provide an individual with a basic literacy level in accordance with Section ~~42-772.5~~ 42-716.2.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: ~~45-CFR 250.44~~ Sections 11322.6 and 13280, Welfare and Institutions Code.

Amend Section 42-1010 to read:

42-1010 OPTIONAL COMPONENTS FOR SRS PARTICIPANTS

42-1010

- .1 In addition to the mandatory components specified in Section 42-1009, tThe SRS Component shall include unsubsidized employment, job search, OJT, and, but is not limited to, at least two of the ~~following four components:~~ other activities listed in Section 42-716.11.
- ~~.11 Group and individual job search as described in 45 CFR Part 250.60;~~
- ~~.12 On the job training, as described in 45 CFR Part 250.61;~~
- ~~.13 Community work experience program, or other approved work experience program, as described in 45 CFR Part 250.63.~~
- ~~.14 Work supplementation, as described in 45 CFR Part 250.62.~~

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: ~~45 CFR 250.45, .60, .61, .62 and .63~~ Section 11322.7, Welfare and Institutions Code.

Amend Handbook Section 42-1011.2 to read:

42-1011 CRITERIA FOR COMPONENT ASSIGNMENT OF TEENAGE
PARENTS (Continued)

42-1011

HANDBOOK BEGINS HERE

.2 Counties may use resources (non-~~GAIN~~CalWORKs) other than refugee funds to cover the costs of these services.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320 and 13280, Welfare and Institutions Code ~~and 45 CFR~~
~~250.32~~.

Amend Sections 42-1012.2 and .3 to read:

42-1012 CASE MANAGEMENT FOR SRS COMPONENT PARTICIPANTS 42-1012
(Continued)

- .2 Eligibility determinations for ~~AFDC~~ CalWORKs and all sanctioning activities shall be handled by the CWD staff.
- .3 Counties shall complete a 90-day follow-up for each participant who becomes employed, including those participants who become ineligible for ~~AFDC~~ CalWORKs as a result of such employment.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10063 and 13280, Welfare and Institutions Code; Notices of Availability of Federal Fiscal Year 1990 Targeted Assistance Funds (Federal Register/Vol. 55, No. 72/ pages 13974 through 13979 Friday, April 13, 1990; and Federal Register/Vol. 55, No. 151/ pages 32022 through 32024 Monday, August 6, 1990).

Repeal Section 42-711:

~~42-711 DEMONSTRATION PROJECTS~~

~~42-711~~

~~.1 Federal Demonstration Projects~~

- ~~.11 Counties that make an agreement with the Department to assign GAIN registrants to an evaluation control group must comply with the procedures set forth in the agreement throughout the duration of the evaluation.~~
- ~~.12 The county shall give members of an evaluation control group adequate notification that they are members of such a group according to Sections 22-001(a)(1) and 22-021.~~
- ~~.13 The designation and treatment of the control group shall be accomplished pursuant to the Project's mandated parameters outlined in the Federal Waiver Terms and Conditions for the California Work Pays Demonstration Project (CWDP), March 1994.~~
 - ~~.131 Designation and treatment of the control group members shall be limited to control group members residing within evaluation counties.~~
- ~~.14 For the purposes of the federal California Work Pays Demonstration Project (CWDP), the control county shall not apply the following new provisions to those applicants and recipients who are designated as members of the Project's control group:~~
 - ~~.141 Section 42-796.11 – Exemption Due to Having a Child Under Age 3.~~
 - ~~(a) See Section 42-711.151 for applicable rules.~~
 - ~~.142 Section 42-772.63 – Exception to participation limits for a parent or other relative who is personally providing care to a child under six years of age, when that parent/relative meets the criteria described in Section 42-774.14.~~
 - ~~(a) See Section 42-711.152 for applicable rules.~~
 - ~~.143 Sections 42-774.14 and .15 – Participation of 100 hours or more per month in a PREP or AWEX assignment, when a participant meets the criteria in Section 42-774.14.~~
 - ~~(a) See Section 42-711.153 for applicable rules.~~

~~.15 For purposes of the federal CWPDP, the control county shall apply the following provisions to those applicants and recipients who are designated as members of the Project's control group:~~

~~.151 The Exemption Based on the Care of a Child Under Three (Code 8)~~

~~The parent or other relative of a child under age three who is personally providing care for the child is exempt from GAIN registration except as provided in Section 42-772.7.~~

~~(a) The exemption in Section 42-711.151 shall apply to only one parent in an AFDC-U case.~~

~~(b) See Sections 42-796.2 and .3 for documentation and review instructions.~~

~~.152 Section 42-772.6 Except as provided in Sections 42-772.61, .62, and .71, participation shall not be required for more than 20 hours per week for any parent or other relative who is personally providing care to a child under age 6.~~

~~.153 Section 42-730.322 The number of hours a person participates in a PREP assignment shall be determined by the appropriate formula provided in Section 42-730.322(a) or (b).~~

~~Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.~~

~~Reference: Sections 11320.3, 11322.8, and 11326(d), Welfare and Institutions Code; and Amendment to the Federal Terms and Conditions for the California Work Pays Demonstration Project approved by the United States Department of Health and Human Services on September 11, 1995.~~

Repeal Section 42-720:

~~42-720 THE GAIN COUNTY PLAN~~

~~42-720~~

~~.1 Plan Approach~~

~~.11 The CWD, with the cooperation of community college districts, county offices of education, and local Private Industry Councils, shall establish an inventory of services to be provided to GAIN participants that reflects local job market needs and resources.~~

~~.111 A joint plan may be established by two or more counties.~~

~~.12 The plan shall include an adequate range of services (refer to Section 42-720.56).~~

~~.121 The range of services, which include job services, education, job training, and supportive services, is described in Sections 42-730 and 42-750.~~

~~.13 The primary GAIN participants are AFDC applicants and recipients. To the extent federal Refugee Employment Social Services (RESS) and/or Targeted Assistance (TA) funds are available, AFDC refugees who would otherwise be temporarily excepted from GAIN services, as specified in Section 42-720.6, may be provided services through the Supplemental Refugee Services (SRS) Component. The county may also provide services to refugees receiving or applying for Refugee Cash Assistance (RCA) and/or to General Assistance applicants and recipients, except that no funds appropriated for GAIN shall be used to serve these individuals or individuals participating in the SRS Component.~~

~~.131 If a county elects to serve these individuals, the county shall maintain separate accounting records of expenditures for AFDC applicants and recipients and for RCA and General Assistance applicants and recipients.~~

~~.132 Separate accounting records shall also be maintained for participants who are time-eligible refugees receiving federally funded AFDC benefits.~~

~~.133 If a county elects to serve General Assistance applicants and recipients, the individuals shall have the same rights, duties, and responsibilities as GAIN AFDC participants. Any participation by General Assistance individuals shall not constitute any actual or implied responsibility for, or assumption of, costs of general assistance by the state.~~

~~.134 If the county elects to maintain an SRS Component for AFDC refugees, MPP Chapter 42-1000 provisions shall apply to these individuals.~~

HANDBOOK BEGINS HERE

- ~~.135~~ An example of an excepted refugee from participation in GAIN follows:

~~A refugee AFDC recipient who has been on aid for six months is referred for mandatory participation in GAIN. However, the county is in a GAIN cost reduction mode and is only doing intake for persons who have been on aid for more than three years. Therefore, although mandatorily required to participate in GAIN, the refugee is excepted from participation due to the county being in a GAIN cost reduction mode. This refugee AFDC recipient can be referred for mandatory participation in the SRS Component but cannot be served via the RCA Employment Services System.~~

HANDBOOK ENDS HERE

- ~~.136~~ If a county elects to serve RCA program applicants and recipients, MPP Chapter 42-800 provisions shall apply to these individuals.
- ~~.137~~ Repealed by Manual Letter No. EAS-90-05, effective 10/1/90.

~~.2~~ Submission Deadlines

- ~~.21~~ The CWD shall submit its GAIN county plan to CDSS within two months from the date CDSS notifies the CWD of its planning allocation.
- ~~.211~~ The CWD shall submit subsequent county plans every two years in accordance with the submission deadlines specified in Section 42-720.21.

~~.3~~ County Plan Content

- ~~.31~~ The county plan shall include a participant and labor market needs assessment which shall specify all of the following:
- ~~.311~~ The full employment goal of the plan, which shall be the provision of unsubsidized employment for all GAIN participants.
- ~~.312~~ An assessment of the county's current and projected employment and child care needs.
- ~~(a)~~ The CWD shall develop the assessment of child care needs in cooperation with the local child care resource and referral agency.
- ~~.313~~ An inventory of employment, training, and supportive services available to county residents.

~~.314 The amount and kind of services required to meet the full employment goal for all registrants.~~

~~(a) The CWD shall study the characteristics of its potential participant caseload. From this caseload analysis, the CWD shall specify which groups of potential participants it plans to target for services consistent with requirements at Section 42-720.632. The CWD shall explain why it chose these groups.~~

~~(b) The CWD shall make available all of its programs to each target group, but may give priorities for certain programs to individuals for whom these programs are reasonably expected to be the most effective.~~

~~(1) RRP/TA programs shall only be used for eligible refugees.~~

~~.315 The amount and kind of services that will be used while the plan is in operation, including the methodology for the provision of services.~~

~~(a) The methodology must specify how the CWD will cooperate with and maximize the use of education, JTPA, child care, child care resource and referral agencies, child care alternative payment programs, job service, and other appropriate local service providers.~~

~~(b) To the extent existing programs and services are available to county residents, each plan shall specify the manner in which these programs and services will be utilized.~~

~~(1) A county may incorporate into its plan any existing employment or training program which is consistent with GAIN services.~~

~~(A) If services are not available in the county, the plan may include provisions for the purchases of services from other counties.~~

~~(2) If the county plan proposes to establish services from new providers, including the CWD, which currently are or could be provided by existing publicly funded local service providers, the plan shall include a rationale for taking this approach.~~

- (A) ~~The CWD shall provide documentation that it will have the ability to provide an adequate level of services to participants in a cost-effective manner, as specified in Section 42-720.56.~~
 - (3) ~~The CWD shall reference the existing county plan(s) for RRP and TA funded services and describe how refugee services will be coordinated with GAIN.~~
 - (e) The plan shall contain a description of the required services that are available to custodial parents under the age of 18 who are required to participate in GAIN. All of the following shall be included:
 - (1) ~~An identification of education and supportive services available to teenagers.~~
 - (2) ~~The extent to which the programs providing these services are currently serving AFDC recipients.~~
 - (3) ~~The resources that these programs may make available to GAIN participants.~~
 - (4) ~~The linkages that the CWD has established or plans to establish with these programs.~~
 - (5) ~~A description of the method of providing the case management services as described in Section 42-772.76. If the CWD chooses to contract out some or all of the case management services, the plan shall list the specific reasons for that decision.~~
 - (d) ~~Notwithstanding Section 42-720.315(c), when the Cal Learn Program, as described in Sections 42-762 through 42-769, is operative, the county plan shall contain the information required by Section 42-767.~~
- .316 ~~An assessment of services that are currently unavailable and needed, including child care services, to meet the full employment goal and a plan for developing the availability of these services within a reasonable period of time.~~
- (a) ~~This shall include a description of the types of service provider contracts and procurement methods that the CWD proposes to use.~~

- ~~.32 Each county plan shall specify the county's performance objectives for each of the two years covered by the plan. These objectives shall include the county's goals for the number of anticipated job placements, grant reductions, and terminations that reflect increased income from employment as well as the anticipated performance levels for other outcome based measures developed by the Department.~~

HANDBOOK BEGINS HERE

- ~~.321 By April 1 of each year, the Department will notify counties that are not likely to meet their performance objectives for the current year.~~

HANDBOOK ENDS HERE

- ~~.322 Within 30 days of being notified in accordance with Handbook Section 42-720.321, the county shall submit for CDSS' approval a county plan update which describes the proposed changes the county will make in order to meet its performance objectives for the following year.~~
- ~~.33 Counties which receive federal refugee employment social services (RESS) and/or federal targeted assistance (TA) funding shall include in its GAIN Plan a section which specifically addresses provision of services for refugee AFDC applicants and recipients.~~
- ~~.34 Counties electing to implement the SRS Component shall ensure that county GAIN staff work with county refugee program staff as well as with representatives of local mutual assistance associations, voluntary agencies and other organizations involved in providing services to refugees.~~
- ~~.35 Counties which receive federal RESS and/or TA funds and are submitting a cost reduction plan shall include an assessment of the effects of cost reductions on the provision of GAIN services to refugees and shall provide a detailed narrative describing what actions, if any, will be taken.~~
- ~~.36 The county plan shall include a program budget proposal in a format provided by CDSS.~~
- ~~.361 The budget proposal shall detail the costs associated with providing the range of services in the plan. The budget proposal shall also identify:~~
- ~~(a) Funding from sources other than GAIN.~~
 - ~~(b) Other GAIN costs, e.g., supportive services.~~

~~.37 The county plan shall specify the formal grievance procedures established by the county board of supervisors.~~

~~HANDBOOK BEGINS HERE~~

~~.371 Formal grievance procedures established by the counties may include:~~

- ~~(a) A prompt hearing before an independent, impartial hearing officer;~~
- ~~(b) The right to present evidence and question witnesses;~~

~~HANDBOOK CONTINUES~~

~~HANDBOOK CONTINUES~~

- ~~(c) The right to a written statement from the county in advance of the hearing setting forth the facts and basis of the county's position.~~
- ~~(d) The right to a written decision making findings of facts and conclusions of law and informing the participant of his/her right to appeal the decision through the state hearing procedure;~~
- ~~(e) The right to be represented by an attorney or other representative;~~
- ~~(f) The right to have access to all relevant documents and information in advance of the hearing;~~
- ~~(g) The right to a tape recorded or other verbatim record of the hearing.~~

~~HANDBOOK ENDS HERE~~

~~.38 The county plan shall include a statement that the CWD has the capability to collect the data required in Section 42-720.7.~~

~~.4 County Board of Supervisors Plan Approval~~

~~.41 The biennial county plan shall be approved by the county board of supervisors after a public hearing is held in accordance with existing county public hearing procedures. Such procedures shall provide adequate notice and an opportunity for affected groups and individuals to present their views and suggestions.~~

~~.411 In approving the plan, the board shall consider the views presented by affected parties, and include these views as part of the record of the public hearing. The county shall ensure that these records are available for three years.~~

(a) ~~The CWD shall provide evidence of public notification allowing for adequate notice to and comments from affected groups and individuals in the county plan.~~

(b) ~~The CWD shall include a brief description of the public testimony that was received and responses given in the county plan.~~

~~.412 Any significant revisions to the county plan shall be approved by the county board of supervisors.~~

(a) ~~A public hearing shall be held whenever the county plan is revised significantly as determined by the county.~~

(b) ~~In the event a public hearing becomes necessary per (a) above, documentation shall be provided in the county plan as referenced in Section 42-720.411(a) and (b).~~

(c) ~~The county shall be required to hold a public hearing if CDSS determines that the plan has been revised significantly and the county did not hold a public hearing.~~

(d) ~~Each county shall make available a copy of its biennial or significantly revised plan to any local Private Industry Council (PIC), local legal aid and welfare rights representatives, and public housing authorities operating within its jurisdiction for review and comment prior to submission.~~

(1) ~~When submitted, the biennial or significantly revised plan shall be accompanied by a letter from any affected PICs certifying the level of local cooperation, including joint planning and the use of local labor market information.~~

~~.5 CDSS County Plan Approval~~

~~.51 Prior to implementation, each biennial county plan shall be approved by CDSS. Any significant revision of a county plan must also be approved by CDSS prior to implementation.~~

HANDBOOK BEGINS HERE

~~.52 CDSS will respond to the CWD regarding its biennial county plan within 60 days of its submittal.~~

- ~~.53 If the planning allocation is less than the amount of funds that the CWD proposed in its program budget, the CWD shall be notified that the proposed program budget exceeds the funds available and how the proposed costs exceed the costs used to develop the planning allocation.~~

~~HANDBOOK ENDS HERE~~

- ~~.531 The CWD may provide any additional documentation to justify a higher funding level for staffing and/or contracted client services within 30 days of receipt of the planning allocation.~~

- ~~.532 If after reviewing the additional information, CDSS finds any of the proposed program costs are justified, and funds are available, CDSS will revise the allocation accordingly. If, however, CDSS finds that the proposed program costs are not reasonable or cost effective, the CWD shall submit any revisions to its program budget that may be necessary to keep program expenditures within the amount of its allocation.~~

~~HANDBOOK BEGINS HERE~~

- ~~.54 In each year following the initial year of implementation, CDSS will notify the county of its final allocation after the Budget Act has been signed into law.~~

~~HANDBOOK ENDS HERE~~

- ~~.55 CDSS approval of a county plan shall be dependent upon but not limited to the following:~~

- ~~.551 The overall effectiveness of the plan.~~

- ~~.552 The appropriateness of the services proposed to be delivered under the plan considering the following:~~

- ~~(a) Caseload estimates;~~
- ~~(b) The adequacy of the participant, labor market, and child care needs assessments;~~
- ~~(c) The number of services proposed based on the participant, labor market, and child care needs assessments;~~
- ~~(d) The establishment of relationships to facilitate contracting and to ensure coordination and provision of services; and~~
- ~~(e) The adequacy of the organizational structure(s) being proposed to implement the county plan.~~

- (f) ~~The benefits of the proposed services to participants in relation to obtaining employment.~~
- ~~.553 Whether the plan contains an identification of, and linkages or planned linkages to, education and supportive services and a description of the case management services available to custodial parents under the age of 18, as specified in Section 42-720.315(c) or Section 42-766 when the Cal Learn Program is operative.~~
- ~~.554 The county's annual performance objectives and any proposed changes in program operation that will enable the county to meet previously unmet objectives (see Sections 42-720.32 and .321).~~
- ~~.56 A plan will be approved only if it provides an adequate range of services.~~
- ~~.561 For large counties, as defined by CDSS for AFDC cost control purposes, "an adequate range of services" means that the CWDs shall provide all of the job services, education, training, and supportive services described in Sections 42-730 and 42-750. However, the use of the grant diversion funding mechanism described in Section 42-730.4 shall be optional.~~
 - ~~(a) If two or more counties submit a joint plan, and the joint plan serves a caseload equal to or greater than a large county, the plan shall provide for all of the above services.~~
- ~~.562 Except for CWDs subject to Section 42-720.561, if all of the services are not provided for in the county plan, the CWD shall submit a justification as to why the services are not included.~~
 - ~~(a) A plan will not be approved which requires job search and preemployment preparation of participants to the exclusion of a range of services, and which does not specify the range of services, both existing and proposed to be offered participants.~~

HANDBOOK BEGINS HERE

- ~~.57 CDSS will establish and maintain a plan whereby costs for the GAIN program will be effectively controlled within the amounts annually appropriated for such administration. Reimbursement for the federal and state share of GAIN expenditures is subject to the provisions of CDSS's GAIN Allocation Plan.~~

HANDBOOK ENDS HERE

- ~~.6 GAIN Target Population Priority~~

- ~~.61 The CWD shall monitor its program expenditures throughout the fiscal year.~~
- ~~.62 If the CWD's expenditure pattern after consultation with CDSS, is determined by the Department to be inconsistent with the county plan, the CWD shall submit the following to the Department:~~
- ~~.621 An explanation of the causes of any projected cost overrun; and~~
- ~~.622 A statement proposing to reduce costs in a manner consistent with Section 42-720.632.~~
- ~~.63 CWD cost reductions must be achieved primarily by reducing the number of participants in the program in a manner consistent with an approved method for cost reduction as specified in Section 42-720.632. CWDs may make program efficiencies to the extent that these do not threaten the guarantee of services and do not create an effective barrier to participation on the part of current or future GAIN participants.~~

HANDBOOK BEGINS HERE

- ~~.631 Examples of program efficiencies which do not threaten the guarantee of GAIN services include, but are not limited to, the following:~~
- ~~(a) Consolidation of GAIN offices when this would allow maintenance of the full range of services to GAIN participants.~~
- ~~(b) Changes in administrative procedures which would result in the elimination of staff positions or certain services providers but still maintain the full range of services to GAIN participants.~~

HANDBOOK ENDS HERE

- ~~.632 If resources are insufficient to serve all GAIN registrants, the county shall adopt a method for use in determining the order in which registrants shall be given priority for participation in the program, or be temporarily excluded from program participation. The method adopted by the county shall meet the following requirements:~~
- ~~(a) Existing participants shall be given the highest priority for participation in the program. They shall be given an opportunity to complete those activities necessary to reach the employment goals identified in their participant contracts, unless, after halting intake, the county must temporarily exclude them from the program due to insufficient resources in accordance with the county plan. Existing participants include:~~
- ~~(1) Teen parents who have participated in the Cal Learn Program~~

~~as described in Sections 42-762 through 42-769 when that Program is operative. Such persons shall receive any additional services needed to prepare them for employment.~~

- ~~(2) Individuals who are between activities as well as those who have been deferred in accordance with Section 42-761.3 or .4.~~
- ~~(b) At least fifty-five percent of a county's GAIN program expenditures shall be for services to any of the target populations specified in Section 42-720.634.~~
- ~~(c) Within any target population selected by the county or specified in Section 42-720.634, first priority shall be given to an applicant or recipient who volunteers to participate in the program.~~
 - ~~(1) For purposes of this section, a "volunteer" is any person eligible to participate in the program, either exempt or nonexempt, who expresses a desire to participate.~~
- ~~(d) A county may not give lesser priority to any target population group because of estimated costs of supportive services to that group.~~
- ~~.633 A county's method for achieving cost reduction as specified in Section 42-720.632 shall be described in the county plan and subject to CDSS approval in accordance with Section 42-720.5.~~
 - ~~(a) The plan shall also include information on local demographic, economic, or other conditions that support the need for the method selected.~~
- ~~.634 Target population means a group composed of all GAIN-eligible individuals who are:~~
 - ~~(a) Applicants for AFDC who have received AFDC (including those under the Refugee Demonstration Project (RDP)) for at least 36 of the 60 months immediately preceding the most recent month for which application has been made.~~
 - ~~(b) Recipients of AFDC who have received AFDC (including those under RDP) for at least 36 of the most recent 60 months.~~
 - ~~(c) Custodial parents under the age of 24 who:~~
 - ~~(1) had little or no work experience in the preceding year, which means that during the preceding 12 months, they had no more than a three-month continuous period of full-time employment~~

compensated at least at the California minimum wage level, or

(2) ~~have not completed a high school education and are not enrolled in high school or in a high school equivalency course of instruction.~~

(d) ~~Members of a family in which the youngest child is within two years of becoming ineligible for AFDC due to age.~~

HANDBOOK BEGINS HERE

~~.64 CDSS will review and respond to a CWD's proposed plan revision to achieve cost reductions within 30 days of receipt of the plan.~~

~~.641 CDSS may provide additional funds, if available, to the CWD to forestall the need for CWD program reductions.~~

~~.642 CDSS may approve the CWD's proposed plan revision.~~

~~.65 If CDSS does not take action in accordance with Section 42-720.64 CDSS will continue funding approved program activities and will work with the CWD to develop a satisfactory plan of action for providing services in the original county plan or for submitting a new plan revision.~~

HANDBOOK ENDS HERE

~~.66 The CWD plan revision to achieve cost reduction shall describe the methodology to be used to resume services to individuals excluded or targeted for exclusion under the plan.~~

~~.67 The cost reduction provisions specified in Section 42-720.632 shall not apply to teen parents who are subject to the Cal Learn Program as described in Sections 42-762 through 42-769 when that Program is operative.~~

~~.7 Data Collection~~

~~.71 Except as otherwise required by CDSS, the CWD shall collect data in accordance with CDSS statistical reporting requirements. (Refer to Sections 26-010 and 26-020.) The data shall include, but not be limited to the following:~~

~~(a) The numbers of voluntary and mandatory participants in each program component.~~

~~(b) The amount of time that each participant remains in each component and the types of services, including supportive services each participant receives.~~

- (c) ~~The number of participants in each component that move to each of the other components.~~
- (d) ~~The number of participants sanctioned as well as the amount and duration of the sanction, the reason for the sanction, and the amount of time the participant was in the program prior to the sanction.~~
- (e) ~~Data that will lead to a determination of the appropriateness of sanctions.~~
- (f) ~~The number of participants who go off aid, and to the extent possible, the reason they have gone off aid.~~
- (g) ~~The number of applicants who reapplied for and received aid after having gone off aid during the time they were participating in the program.~~
- (h) ~~The starting salary of employed participants.~~
- (i) ~~Participants' job retention rates.~~
- (j) ~~Data that will lead to a determination of the appropriateness of the categorization of participants.~~
- (k) ~~Data that will lead to a determination of the appropriateness of assessments and employment plans.~~
- (l) ~~The effectiveness of training components based upon the number of individuals placed in employment.~~
- (m) ~~The number of licenses, certificates, and degrees obtained by participants, and the number of participants who obtained employment as a result thereof.~~
- (n) ~~Data that will lead to a determination of the appropriateness of preemployment preparation assignments, including a periodic review of the appropriateness of these assignments.~~
- (o) ~~The timeliness of preemployment preparation assignment reviews.~~

~~.72 If the CWD uses RRP/TA funds for refugees who are GAIN participants, data shall be separately collected and reported to meet RRP/TA reporting requirements.~~

HANDBOOK BEGINS HERE

- ~~.73 Counties that make an agreement with the Department to assign GAIN registrants to an evaluation control group must comply with the procedures set forth in the agreement throughout the duration of the study for which the control group is established.~~

~~HANDBOOK ENDS HERE~~

- ~~.731 The county shall assign to the evaluation control group those GAIN registrants selected for the control group by the organization with which the Department has contracted to perform the study.~~

~~HANDBOOK BEGINS HERE~~

- ~~(a) The selection process will be based upon a standard statistical sampling method approved by the Department.~~

~~HANDBOOK ENDS HERE~~

- ~~.732 The county shall give members of an evaluation control group adequate notification that they are members of such a group, per MPP Sections 22-001(a)(1) and 22-021.~~

Authority cited: ~~Sections 10553, 10554, 10604, and 11320.6(f), Welfare and Institutions Code.~~

Reference: ~~Sections 10553, 10554, 11320.6(b), (c), (d), (e), and (f), 11320.8, 11321, 11321.2, 11322(a), 11322.2(b), 11322.4, 11322.8, 11327.8(a), 11329(a), 11330.5(d), 11330.8(e), 11330.9, 11333.5(b), and 13280, Welfare and Institutions Code; 45 CFR 250.1; 45 CFR 250.11; 45 CFR 250.12(c); 45 CFR 250.31(a); 45 CFR 250.44; 45 CFR 250.45; and 45 CFR 250.63(k).~~

Repeal Section 42-730:

~~42-730~~ ~~GAIN JOB SEARCH, TRAINING, AND EDUCATION SERVICES~~ ~~42-730~~

- ~~.1 The CWD may provide job search, training, and education services directly to program participants, or by referral to other service providers. The CWD shall enter into contracts or interagency agreements as specified in Sections 42-740, 42-741, and 42-742 with private or public agencies for the provision of these services when not provided directly by the CWD.~~

~~HANDBOOK BEGINS HERE~~

~~In order to receive training or services funded under the Job Training Partnership Act (JTPA), a GAIN participant must be certified as eligible pursuant to procedures established by the PIC that serves the area of residence of the participant.~~

~~HANDBOOK ENDS HERE~~

- ~~.11 Each CWD shall, in providing job search, training, and education services to participants, provide services to each participant to best achieve his/her employment goal as identified through the development of an employment plan. Counties shall work with local training and education providers, including service delivery areas, community college districts and local school districts, to identify existing resources and, if necessary, to create training and education opportunities that meet the needs of teenage parents who have obtained a high school diploma or its equivalent and who are required to participate, or who participate voluntarily.~~
- ~~.12 Services to be provided to each participant shall be specified in the contract entered into between the CWD and the participant as specified in Section 42-771.~~
- ~~.13 An employment or training program position, other than a PREP or AWEX position (see Section 42-730.329), may not be created as a result of, or may not result in, any of the following:~~
- ~~.131 Displacement, or partial displacement, of current employees, including, but not limited to, a reduction in regular work hours and overtime hours, wages or employment benefits.~~
- ~~.132 The filling of positions which would otherwise be promotional opportunities for current employees.~~
- ~~.133 The filling of a position prior to compliance with applicable personnel procedures or provisions of collective bargaining agreements.~~

~~.134 The filling of a position created by termination, layoff, or reduction in workforce, caused by the employer's intent to fill the position with a subsidized position.~~

~~.135 A strike, lockout, or other bona fide labor dispute, or violation of any existing collective bargaining agreement between employees and employers.~~

~~.2 Job Search Services shall include:~~

~~.21 Job Club, which shall consist of job search workshops as described in Section 42-730.211 and supervised job search as described in Section 42-730.22:~~

~~.211 Job Search Workshops~~

~~(a) Job search workshops are group training sessions where participants learn various job finding skills including training in basic job seeking skills, job development skills, job interviewing skills, understanding employer requirements and expectations, and how to enhance self-esteem, self image, and confidence.~~

~~.22 Supervised Job Search~~

~~.221 Supervised job search is an organized method of seeking work which includes access to phone banks in a clean and well-lighted place, job orders, and direct referrals to employers, which is overseen, reviewed and critiqued by a person who has been trained or has experience as an employment counselor.~~

~~.222 The amount and type of activity required during the supervised job search period shall be determined based on the participant's employment history and need for supportive services.~~

~~.23 Unsupervised Job Search~~

~~.231 The participant shall independently seek work and make periodic progress reports no less frequently than every two weeks to the CWD or the agency contracting with the CWD. The CWD or agency shall be permitted to verify the reported job search efforts (see Section 40-157).~~

~~.24 Job Placement~~

~~.241 Job placement activities shall include, but not be limited to, referrals to jobs listed by employers with the Employment Development Department's State Job Service.~~

~~.25~~ Job Development

~~.251~~ Participants shall be provided active assistance in seeking employment, on a one-to-one basis, by a person who has been trained or has experience as an employment counselor.

~~.26~~ Employment Counseling

~~.261~~ Such counseling shall be aimed at helping the participant reach an informed decision on an appropriate employment goal, and shall be performed by a person who has been trained or has experience as an employment counselor.

~~.27~~ Subject to the GAIN Program participant flow process as described in Sections 42-772 through 774, participation in a job search activity shall be limited as follows:

~~.271~~ Subject to the provisions of Section 42-772.1, the county may require an applicant for AFDC to begin a job search activity prior to the determination of eligibility for aid during an initial eight consecutive week period beginning with the date of application for aid.

(a) The initial eight consecutive week period may extend beyond the date eligibility for aid is determined.

~~.272~~ The county may require a recipient of AFDC to participate in a job search activity for up to 40 days in any period of 12 consecutive months.

(a) Any number of hours of job search performed in a calendar day shall count as one day toward the 40-day limit.

~~.273~~ Counties shall track the 40-day job search time limitation specified in Section 42-730.272 as follows:

(a) The first 12-consecutive-month period shall begin when the individual first participates in a GAIN job search activity following the close of the initial eight consecutive week period.

(b) The second and subsequent 12-consecutive-month periods shall begin immediately following the close of the previous 12-consecutive-month period.

(c) The 12-consecutive-month period shall be continuous unless the individual goes off aid and returns to the GAIN Program as an applicant. Periods of nonparticipation, including exemption or deferral, shall not interrupt the 12-consecutive-month period.

HANDBOOK BEGINS HERE

- (d) ~~Example: A person applies for AFDC on July 2, is determined to be a mandatory GAIN participant, and is referred to GAIN appraisal. Based on appraisal results, she attends Job Club July 9 – July 27. The 12 consecutive month period for this case begins upon the first instance of job search activity occurring after August 27, the close of the initial eight consecutive week period.~~

HANDBOOK ENDS HERE

~~.274 Counties shall not require any individual to participate in a job search activity in excess of the limits specified in Sections 42-730.271 and .272 except as part of a CWD approved education, training or employment activity as follows:~~

- ~~(a) During a PREP or AWEX assignment; or~~
- ~~(b) During a CWD approved education or training activity where job search services are part of the provider's education or training curriculum.~~

~~.3 Training services shall include, but are not limited to, the following:~~

~~.31 Vocational Training~~

~~.311 Vocational training includes, but is not limited to, training in employer specific job skills in a classroom or onsite setting, including training provided by local private industry council programs and community colleges.~~

~~.32 Preemployment Preparation (PREP)~~

~~.321 PREP shall be a nonsalaried work experience assignment with a public or private nonprofit agency serving a useful public purpose. The assignment shall provide the participant with basic job skills or enhance existing job skills in a position related to his/her experience, training or education, or provide a needed community service.~~

- ~~(a) Except for participants subject to the provisions of Section 42-774.13, a PREP assignment shall not exceed 12 months.~~

~~.322 The number of hours a person participates in a PREP assignment shall be determined by the appropriate formula provided in Section 42-730.322(a) or (b).~~

- ~~(a) Divide his/her current month's AFDC grant, less any child support paid to the county on behalf of the participant in the second prior month, by the average hourly wage for all job openings placed with~~

~~the Employment Development Department (EDD), as determined annually by EDD.~~

- ~~(1) The formula described in Section 42-730.322(a) shall only be used for determining PREP hours during the first through the ninth month of a PREP assignment.~~
- ~~(b) Divide his/her current month's AFDC grant, less any child support paid to the county on behalf of the participant in the second prior month, by the rate of pay for individuals employed in the same or similar occupations at the same site.~~
 - ~~(1) The formula described in Section 42-730.322(b) shall only be used beginning in the tenth month and any future months of a PREP assignment.~~
 - ~~(2) When the rate of pay for the same or similar occupation at the same site as provided in Section 42-730.322(b) is less than the average hourly wage for job openings placed with EDD, the EDD average hourly wage shall be used.~~

~~.323 A PREP assignment shall not exceed 32 hours per week.~~

~~.324 The county shall review the assignment after six months and make revisions as necessary to ensure that it continues to be consistent with the participant's contract and is effective in preparing the participant to attain his or her employment goal.~~

- ~~(a) The review shall include at a minimum:~~
 - ~~(1) A visit to the participant's worksite, and~~
 - ~~(2) A discussion with the participant's supervisor and the participant about his/her assignment and/or job search progress.~~
- ~~(b) For participants subject to the provisions of Section 42-774.13, the review shall be every six months and shall also include an evaluation of whether extenuating circumstances, as specified in Section 42-774.11, have developed.~~

- (1) ~~Necessary revisions to ensure consistency with the participant's contract and effectiveness in preparing the participant to attain his/her goal shall be consistent with the provisions of Section 42-774.13.~~
- ~~.325 If the recipient was overpaid (Section 44-350.13) and as a result of the overpayment, worked more hours in a PREP assignment than would have been required if the overpayment did not occur, the CWD shall provide that:~~
 - ~~(a) The number of hours the recipient is required to work in future months based on the method used in Section 42-730.322(a) or (b) will be reduced by the number of hours which correspond to the amount of the overpayment recouped through a grant adjustment, voluntary cash recovery, or voluntary grant offset. This number of hours is determined by dividing the amount of the recoupment by the hourly wage used in Section 42-730.322(a) or (b).~~
 - ~~(b) If a participant ceases to participate in the PREP assignment before the adjustment in hours can be made, the remaining overpayment amount represented by PREP hours worked shall be waived.~~
- ~~.326 The participant assigned to PREP shall continue to seek employment.~~
 - ~~(a) At any time during a participant's PREP assignment, he/she may request job services as specified in Section 42-730.2.~~
 - ~~(b) The combination of job search services and the PREP assignment shall not exceed 40 hours per week.~~
 - ~~(c) Job search services during the PREP assignment shall not be subject to the 40-day time limitation specified in Section 42-730.272.~~
- ~~.327 A PREP participant assigned to public agencies shall be allowed to:~~
 - ~~(a) Participate in classified service examinations equivalent to the position he/she occupies.~~
 - ~~(b) Participate in all open and promotional examinations for which experience in the position or other relevant experience is qualifying under merit system rules.~~
- ~~.328 Time worked in public agency PREP positions shall apply toward the participant's seniority in the merit public agency positions only if permitted under state or federal law, local ordinance or applicable collective bargaining agreements.~~

~~.329 A PREP or AWEX position may not be created as the result of, or may not result in, any of the following:~~

- ~~(a) Displacement, or partial displacement, of current employees, including, but not limited to, a reduction in regular work hours and overtime hours, wages or employment benefits.~~
- ~~(b) The filling of established unfilled positions, unless the positions are unfunded in a public agency budget.~~
- ~~(c) The filling of positions which would otherwise be promotional opportunities for current employees.~~
- ~~(d) The filling of a position, prior to compliance with applicable personnel procedures or provisions of collective bargaining agreements.~~
- ~~(e) The filling of a position created by termination, layoff, or reduction in workforce.~~
- ~~(f) The filling of a work assignment customarily performed by a worker in a job classification within a recognized collective bargaining unit in that specific worksite, or the filling of a work assignment in any bargaining unit in which funded positions are vacant or in which regular employees are on layoffs.~~
- ~~(g) A strike, lockout, or other bona fide labor dispute, or violation of any existing collective bargaining agreement between employees and employers.~~

~~.33 Alternative Work Experience (AWEX)~~

~~.331 AWEX is a nonsalaried work experience assignment with a public, private non-profit or, at county option, a private for-profit employer, that shall enhance and renew job skills, build work habits or expedite the transition to unsubsidized employment.~~

- ~~(a) AWEX assignments may include activities that provide a needed community service.~~

HANDBOOK BEGINS HERE

- ~~(1) Examples of appropriate AWEX community service assignments include, but are not limited to:~~

- (A) ~~nonsalaried work experience hours in a preschool, or an elementary or secondary school;~~
- (B) ~~nonsalaried work experience hours in a hospital, convalescent home or hospice program;~~
- (C) ~~nonsalaried work experience hours in public libraries; and;~~
- (D) ~~nonsalaried work experience hours in park and recreation districts.~~

HANDBOOK ENDS HERE

- ~~.332 An AWEX assignment with a private for-profit employer shall not exceed 13 weeks except that a county may extend an assignment a maximum of 13 additional weeks based upon the case manager's determination of the participant's need for additional job/work exposure and/or training.~~
- ~~.333 An AWEX assignment shall be reviewed by the county at least annually to ensure that it continues to conform to the employment goal and to provide skills that will lead to unsubsidized employment.~~
 - ~~(a) For participants subject to the provisions of Section 42-774.13, the review shall be done at least every six months and shall also include an evaluation of whether extenuating circumstances, as specified in Section 42-774.11, have developed.~~
 - ~~(1) Necessary revisions to ensure consistency with the participant's contract and effectiveness in preparing the participant to attain his/her employment goal shall be consistent with the provisions of Section 42-774.13.~~
- ~~.334 The number of hours a participant shall participate in an AWEX assignment shall be based on the employer's need, but shall not exceed 32 hours per week.~~
- ~~.335 Participants assigned to AWEX shall be expected to continue to seek employment.~~
 - ~~(a) A participant may request job search services, as described in Section 42-730.2, at any time during participation in the AWEX assignment.~~

- (b) ~~Combined hours of participation in AWEX and job search activities including independent job search and job search services as provided in Sections 42-730.335 and 42-730.2, respectively shall not exceed 40 hours per week.~~
- (e) ~~Job search activities during the AWEX assignment shall not be subject to the 40-day time limit specified in Section 42-730.272.~~

~~.336 An AWEX participant assigned to a public agency shall be allowed to:~~

- (a) ~~Participate in classified service examinations equivalent to the position he/she occupies.~~
- (b) ~~Participate in all open and promotional examinations for which experience in the position or other relevant experience is qualifying under merit system rules.~~

~~.337 An AWEX assignment shall not be created as a result of, or shall not result in, any of the conditions described in Section 42-730.329.~~

~~.34 On the job training (OJT)~~

~~.341 OJT is subsidized employment in which a participant receives job skills training from an employer. Grant diversion (as described in Section 42-730.4) may be used as a funding mechanism for OJT. At the end of the training, it is expected that the participant will be retained by the employer.~~

~~.35 Supported Work~~

~~.351 Supported Work is a transitional work experience program provided by an intermediary service provider which is characterized by three factors: close supervision, graduated performance expectations, and peer support. Grant diversion (as described in Section 42-730.4) shall be the funding mechanism for supported work.~~

- (a) ~~Supported work provides intensive basic training for long-term recipients with little or no employment history or marketable skills.~~

~~.36 Transitional employment~~

~~.361 Transitional employment is training and/or employment in a work setting arranged for and/or provided by an intermediary service provider. Grant diversion (as described in Section 42-730.4) shall be used as the funding mechanism for transitional employment.~~

- (a) ~~Transitional employment provides training and experience for participants who have some marketable skills or a history of employment.~~

.4 Grant Diversion

- ~~.41 Grant diversion is a funding mechanism for subsidized employment, including OJT, supported work, transitional employment, or public or private sector employment, in which the participant's cash grant, or a portion thereof, or the welfare grant savings from employment, is diverted to the employer or an intermediary service provider as a wage subsidy.~~
- ~~.411 The CWD shall administer supported work, transitional employment, and OJT funded by grant diversion projects so that the participant does not receive less disposable income than if he/she had not participated in the project, by providing a partial aid payment to the participant if necessary.~~
 - (a) ~~Disposable income means the income available to the recipient by adding the participant's aid payment and earnings from the grant diversion project and subtracting the allowable employment related expenses as specified in Section 44-113, except that the \$30 and one-third disregard shall be applied for the duration of the assignment.~~
 - (b) ~~No aid payment will be made for participants who receive wages in excess of 185 percent of MBSAC. When this occurs, all or a portion of the maximum aid payment shall be diverted either to the employer or a wage pool.~~
- ~~.412 A grant diversion assignment which exceeds 100 hours per month, but does not provide sufficient income to divert the participant's entire aid payment, shall not be considered an appropriate work assignment for an AFDC-Unemployed parent.~~
- ~~.413 The maximum duration of a grant diversion assignment shall be nine months.~~
- ~~.414 The CWD shall ensure that the participant does not experience a break in income either as a grant payment or as a wage subsidized by the diverted grant during transition into a grant diversion assignment. Also, a break in participant income shall not occur as a result of employer misconduct as specified in Section 42-742.14, or when the participant is determined to have good cause as specified in Section 42-782.~~

- ~~.415 The CWD shall be permitted to create a special fund for the purpose of diverting the grant or a portion of the grant to the employer or an intermediary service provider.~~
- ~~.416 The CWD shall not implement a program funded by grant diversion until the plan for such a program is approved by CDSS.~~
- ~~.417 Grant diversion shall be used as a funding mechanism only when the participant agrees to diversion of his/her grant.~~
- ~~.418 An assignment funded by grant diversion shall not be created as the result of, nor shall result in, the filling of an established unfilled position with a GAIN participant.~~

~~.5 Education services shall include:~~

~~.51 Adult Basic Education~~

- ~~.511 Adult basic education shall include any of the following services to the extent they are necessary to prepare the participant to achieve his or her employment goal:~~
 - ~~(a) Reading, writing, arithmetic, and high school proficiency or general education development certificate instruction.~~
 - ~~(b) English as a Second Language (ESL), including vocational English as a Second Language (VESL). VESL shall be intensive instruction in English for non-English speaking participants that shall be coordinated with specific job training.~~

- ~~.512 Participants in adult basic education shall be provided at least 10 hours of instruction, if available, during each week that participation is required. The CWD shall notify CDSS whenever this minimum level of instruction cannot be provided. This notification shall identify the school or community college district, and the reasons the school or college is unable to provide the minimum hours of instruction.~~

~~.52 College and Community College Education~~

- ~~.521 College and community college education shall provide sufficient employment skills training that can reasonably be expected to lead to participant employment.~~

- .53 ~~The CWD shall refer participants to appropriate vocational and adult basic education providers including, but not limited to, the educational programs operated by school districts or county offices of education that have contracted with the Superintendent of Public Instruction to provide services to participants pursuant to Section 33117.5 of the Education Code.~~

HANDBOOK BEGINS HERE

- .54 ~~Section 33117.5 of the Education Code provides that the Superintendent of Public Instruction will identify school districts or county offices of education that can best accommodate GAIN participants assigned to vocational education and adult basic education. The educational provider will evaluate the participant's educational and training needs and will prepare a plan that specifies the educational and training services to be provided and the length of time services are to be provided.~~

HANDBOOK ENDS HERE

- .55 ~~As required by Section 33117.5 of the Education Code, CWDs and education providers shall discuss and jointly certify that they agree upon the delivery of education and training services for GAIN participants, as a condition for the funding of these services.~~

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11320.8, 11321.4, 11322.6, 11322.8(b)(1), (2) and (5), 11323, 11324.2, 11324.4(b), 11324.6, 11325.22(a) and (b), 11326(c) and (d)(2), 11328(a)(10), and 11330.7, Welfare and Institutions Code; Section 33117.5, Education Code; 45 CFR 250.60(c) and (d); 45 CFR 250.62(b)(2); 45 CFR 250.63(c) and (k); and 45 CFR 251.3.

Repeal Section 42-740:

~~42-740 CONTRACTS/AGREEMENTS FOR GAIN JOB SEARCH,
TRAINING AND EDUCATION SERVICES~~

~~42-740~~

- ~~.1 Contracts/agreements between the CWD and providers of job search, training or education services, including employers providing PREP or AWEX, shall include specific criteria as follows:~~
 - ~~.11 Contracts shall include the provision of participant job placement activities by the training or education service provider.~~
 - ~~.111 Notwithstanding Section 42-740.1, contracts with AWEX providers are not required to provide for job placement.~~
 - ~~.12 Contracts shall provide for termination of the contract at the discretion of the CWD if the provider either:~~
 - ~~.121 Violates the contract between the CWD and the participant as specified in Section 42-771; or~~
 - ~~.122 Fails to meet the performance criteria specified in the contract with the CWD.~~
 - ~~.13 Contracts shall specify the conditions outlined in MPP Section 42-730.13 or .329, as appropriate.~~
 - ~~.14 Contracts shall specify the criteria for successful participant completion of the job, training, or education program, which shall be based on the contractor's normal standard of attendance or performance. These criteria shall include a written provider developed standard, containing quantitative and qualitative measures, which must be applied at least once per year to determine if a participant is making satisfactory progress. Participants shall be informed of the progress criteria at the beginning of their activity by either the CWD or the contractor.~~
 - ~~(a) Quantitative measures define reasonable time limits for completing an activity.~~
 - ~~(b) Qualitative measures provide an assessment of the degree of success a participant is experiencing in his/her GAIN activity, and can include competency or proficiency attainment, or grade point average.~~
 - ~~.141 The requirement specified in Section 42-740.14 shall be considered met if the contractor adheres to any applicable statewide progress standard established by CDSS.~~
 - ~~.142 Contracts shall provide for reporting the participant's attendance and progress~~

to the CWD at regular intervals.

- ~~.15~~ Contracts for on-site training programs, as specified in Section 42-730.3, shall provide for worker's compensation insurance for participants.
- ~~.16~~ Contracts for on-the-job training, excluding those funded by grant diversion, shall specify that payments to an employer for on-the-job training shall not exceed an average of 50 percent of the wages paid by the employer to the participant during the period of such training.
- ~~.17~~ Contracts for on-the-job training shall specify that a participant in on-the-job training shall be compensated by the employer at the same rates, including benefits and periodic increases, as similarly situated employees or trainees but in no event less than the higher of federal or state minimum wage.
- ~~.18~~ Contracts involving reimbursement for GAIN services shall contain a written certification by the provider that the services being provided would not otherwise be available to GAIN registrants free of charge in the absence of available GAIN funding.
- ~~.19~~ Contracts/agreements for PREP, AWEX, OJT, or any activity funded by grant diversion shall identify the displacement grievance process defined in MPP Section 42-731. In addition, such contracts/agreements shall specify that the employer or training provider shall either:
 - ~~.191~~ Notify the appropriate labor union of the use of GAIN participants in any location or work activity controlled by an employer and covered by a collective bargaining agreement between the employer and a union as well as the right of union employees to grieve displacement by GAIN participants; or
 - ~~.192~~ Notify nonunion employees of the use of GAIN participants and of the grievance process described in Section 42-731.
 - (a) Display of a poster shall satisfy this requirement:
 - (1) The poster required by Section 42-740.192(a) shall not specifically identify any GAIN participant.

.2 (Renumbered to new Section 42-718.2.)

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11322.8(a), 11324.2, 11324.5, 11324.6, 11324.7, 11328.1(b)(7)(B), 11328.6, Welfare and Institutions Code; AB 312, Chapter 1568, Statutes of 1990; 45 CFR 250.1; 45 CFR 250.61(b) and (c); 45 CFR 250.72(c) and (d); and 45 CFR 251.4.

Repeal Section 42-741:

~~42-741 AGREEMENTS FOR PREP AND AWEX~~

~~42-741~~

- ~~.1 Agreements between the CWD and providers of PREP or AWEX shall include the specific performance criteria in Section 42-740.1.~~
- ~~.2 An agreement between the CWD and the employer of a participant in the AWEX component shall be consistent with the provisions of Section 42-730.33.~~
 - ~~.21 At a minimum, the terms of the agreement shall include a brief description of the participant's position or duties, the assigned hours, and the method for verifying attendance.~~
 - ~~.22 The agreement must be in writing, but an informal format, such as a form letter that is returned to the county after signature by the employer or the employer's representative, may be used.~~
 - ~~.23 Employers shall conduct at a minimum an evaluation of the participant's progress at least quarterly or at midpoint for training assignments of three months or less and at the completion of the program. Participants shall provide the employer evaluation(s) to the county.~~
- ~~.3 An agreement between the CWD and the employer of a participant in the PREP component shall be consistent with Section 42-730.32.~~
 - ~~.31 The CWD may choose to reimburse an employer for the cost of supervising participant(s) in PREP assignment(s).~~
 - ~~.311 The CWD shall specify this option in the county plan in accordance with Section 42-720.~~
 - ~~.312 The agreement must specify the amount and terms by which the CWD will reimburse the employer for the cost of supervising the participant(s) in the PREP assignment(s).~~
 - ~~.313 The cost of reimbursing employers for PREP supervision shall not exceed ten percent of the total county costs for PREP activities, including county, contract, or interagency agreement costs.~~
- ~~.4 The CWD shall ensure that the sponsor of a PREP or AWEX assignment shall assist and encourage qualified PREP or AWEX participants to compete for job openings occurring within the sponsor's organization.~~

HANDBOOK BEGINS HERE

~~.5 Agreements are binding contracts even though they do not involve the exchange of money.~~

HANDBOOK ENDS HERE

Authority cited: ~~Sections 10553, 10554, and 10604, Welfare and Institutions Code.~~

Reference: ~~Section 11322.8, 11324.2, 11324.5, 11324.6, 11324.7, 11326(e), 11328(a)(10), and 11328.6, Welfare and Institutions Code.~~

Repeal Section 42-742:

~~42-742 CONTRACTS/AGREEMENTS FOR ON-THE-JOB TRAINING 42-742~~
~~(OJT), SUPPORTED WORK, AND TRANSITIONAL~~
~~EMPLOYMENT FUNDED BY GRANT DIVERSION~~

- ~~.1 Contracts/agreements with employers or intermediary service providers for OJT, supported work, or transitional employment as specified in Sections 42-730.34, .35, and .36 shall be in accordance with Section 42-740 and shall provide that:~~
- ~~.11 Participants shall be employed or retained upon successful completion of the OJT, supported work, or transitional employment period.~~
- ~~.12 The employer or service provider shall not discriminate against participants on the basis of race, sex, national origin, age, handicap, color, political affiliation, marital status, or religion.~~
- ~~.13 There shall be no interruption in the participant's receipt of income, whether as wages from the employer or aid payments from the CWD caused by the employer's conduct.~~
- ~~.14 The CWD shall take action to recover from the employer or service provider any grant or portion of a grant that was lost due to fraud, malfeasance or theft by the employer or service provider.~~
- ~~.15 Competitive selection for contracts and agreements funded by grant diversion may be limited to an application and screening process developed by the county.~~

Authority cited: ~~Sections 10553, 10554, and 10604, Welfare and Institutions Code.~~

Reference: ~~Section 11322.8(g), Welfare and Institutions Code.~~

Repeal Section 42-750:

~~42-750 SUPPORTIVE SERVICES~~

~~42-750~~

- ~~.1 Supportive services shall be provided to GAIN registrants to enable them to participate in GAIN activities or to accept employment opportunities. Child care supportive services shall also be provided for children of Indian Tribal JOBS Program participants. As specified in Section 42-782.1(g) or 42-783.1(k), participation shall not be required if the needed services are not available, not arranged, or are insufficient to meet the participant's needs.~~
- ~~.11 At a minimum, these services shall include child care referrals and payments, transportation costs, ancillary expenses, and personal counseling except as otherwise specified for individuals in approved self-initiated programs as specified in Section 42-750.54. In the case of Indian Tribal JOBS Program participants, counties shall be responsible only for the provision of child care services.~~
- ~~.12 (Renumbered to new Section 42-750.213.)~~
- ~~.13 The CWD may continue to provide case management and the supportive services described in Sections 42-750.2, .3, .4, and .5 to a participant who becomes eligible for exemption from mandatory GAIN participation due to unsubsidized employment (see Section 42-798). These services may only be provided under the following conditions:~~
- ~~.131 The services described in Section 42-750.13 shall only be available in the county to the extent they are specified in the county plan approved in accordance with Section 42-720.~~
- ~~.132 The CWD may continue these services for up to the first 90 days of employment to the extent they are not available from any other source(s) and are needed for the individual to retain the employment.~~
- ~~.133 The county shall not continue to offer the services in Section 42-750.13 if the number of participants it is able to serve in the program decreases by 10 percent or more in any year after this option is implemented.~~

- ~~.134 A participant may receive the services available under Section 42 750.13, whether or not the individual remains eligible for AFDC.~~
- ~~.2 Child care services shall be available to every GAIN participant with a child who meets the condition(s) of one category in each of Sections 42 750.21 and .22 below.~~
- ~~.21 The child:~~
- ~~(a) Is in the AFDC assistance unit; or~~
 - ~~(b) Receives benefits under federal foster care; or~~
 - ~~(c) Receives benefits under Supplemental Security Income/State Supplementary Payment (SSI/SSP) program.~~
- ~~.22 The child is:~~
- ~~(a) Under the age of 13; or~~
 - ~~(b) Physically or mentally incapable of caring for himself/herself based on a written statement of a physician or a licensed or certified psychologist or receipt of SSI/SSP and meets the age requirements under the AFDC program, as specified in Section 42 100; or~~
 - ~~(c) Under court supervision as specified in Welfare and Institutions Code Section 601 or 602 and meets the age requirement under the AFDC program, as specified in Section 42 100.~~
- ~~.3 CWDs are encouraged to contract with existing public and private child care programs to provide any or all of the services specified in this section. Child care by family members shall be encouraged, but the choice between licensed or exempt child care arrangements shall be made by the participant.~~
- ~~.31 Child care arrangements provided through GAIN shall meet the following standards:~~
- ~~.311 Standards required under Title 22, California Code of Regulations, Division 12, Chapter 3 (commencing with Section 101251), unless exempt from licensure.~~
 - ~~.312 If the CWD chooses to contract with any child care provider which is also under contract with the State Department of Education (SDE), these contracts shall be consistent with and shall not supersede all of the following:~~

- (a) ~~Chapter 2 (commencing with Section 8200) of Part 6 of the Education Code.~~
- (b) ~~Applicable provisions of Title 5 and Title 22 of the California Code of Regulations.~~
- (c) ~~Applicable SDE contract provisions.~~

~~.313 If the CWD or a contractor pays for child care services which are exempt from licensure with the exception of extended day care on a school site operated by school employees, all of the following information about the care provider shall be on file with the CWD, or agency contracting with the CWD, and shall be made available to the participant:~~

- (a) ~~The care provider's name, address, and social security number.~~
- (b) ~~The address where care is to be provided.~~
- (c) ~~The hours care is to be provided, and the charge for this care.~~
- (d) ~~The names, addresses, and telephone numbers of two character references.~~
- (e) ~~A copy of a valid California driver's license or other identification to establish that the care provider is at least 18 years of age.~~
- (f) ~~A statement from the care provider as to his or her health; education; experience; or other qualifications; criminal record; and names and ages of other persons in the home or providing care.~~
- (g) ~~In addition, for children of Indian Tribal JOBS Program participants, that a child care provider located on the Indian reservation is in compliance with applicable standards of Tribal law if such requirements exist.~~

~~.314 Trustline Registration for License Exempt Child Care Providers~~

~~To be eligible for child care payment/reimbursement, all license exempt child care providers shall apply for the Trustline Registry operated jointly by the California Department of Justice and the California Child Care Resource and Referral Network. Any child care provider claiming exemption under this section shall complete and submit a Declaration of Exemption, Form CCP-1, with the county within 30 calendar days from the date a Trustline Informing Notice is mailed or given to the AU. The following are exempt from this requirement:~~

- (a) ~~Aunts, uncles, grandparents, great aunts, great uncles, and great grandparents of the child(ren) in care, by blood, marriage or court decree.~~

~~HANDBOOK BEGINS HERE~~

- (1) ~~Court decree includes, but is not limited to, adoptions or other court orders impacting family relationships.~~

~~HANDBOOK ENDS HERE~~

- (b) ~~A public or private school or public recreation program as defined in Health and Safety Code Section 1596.792.~~
- (c) ~~A child care provider who will be providing temporary child care that is 30 calendar days or less.~~

~~HANDBOOK BEGINS HERE~~

- (1) ~~Child care providers who provide temporary care, of 30 calendar days or less (i.e., GAIN Orientation, Job Club, some on the job training assignments), shall not be included on the Trustline Registry.~~

~~HANDBOOK ENDS HERE~~

- (d) ~~Those providers who were providing compensated child care for a Title IV-A family at the time of implementation of the Trustline Registry system shall continue to be exempt until a break in service of 30 calendar days or more to the same family is experienced or until child care is provided to a new Title IV-A family.~~

~~.315 Trustline Application Requirements~~

~~The county shall approve license exempt child care for no more than 30 calendar days from the date a Trustline informing notice is mailed to or given to the assistance unit (AU), pending the receipt of verification from the local child care resource and referral agency that an application for Trustline registry has been filed by the child care provider.~~

- (a) ~~Counties shall provide a Trustline application packet, which includes a Trustline application, a fingerprint card and Trustline informing notice, to the AU within 10 calendar days from the date the county received information that the AU has chosen a license exempt child care provider.~~

- ~~.32 In order to provide maximum choice to parents and to ensure the availability of child care, each county shall do all of the following:~~
- ~~.321 Assist participants in locating child care necessary for participation in GAIN. In so doing, the CWD shall:~~
- ~~(a) Allow and promote parental choice by providing flexibility in child care arrangements and establishing payment arrangements consistent with Section 42-750.33.~~
 - ~~(b) Provide payment for and assist in arranging for the continuity of child care.~~
 - ~~(c) Provide payment for and assist in arranging for child care to participants whose program demands flexible hours of care, including evenings, weekends, and split shifts.~~
 - ~~(d) To the extent possible, provide payment for and assist in arranging for transportation of children between school and care, if reasonable and necessary.~~
- ~~.322 Coordinate with child care resource and referral agencies, school districts, and other local providers in the development of new child care resources where needed.~~
- ~~.323 Include in the participant's case file the following information in relation to child care services provided in the GAIN program:~~
- ~~(a) The name, birthdate, and sex of each child for whom care is to be provided.~~
 - ~~(b) The types of child care to be provided, including care in the child's home, family day care, or center-based care.~~
 - ~~(c) The scheduled hours of care per week.~~
 - ~~(d) The beginning and anticipated ending dates of care, based on the participant's training program.~~
 - ~~(e) The name and address of the child care provider.~~
 - ~~(f) The rate of pay for child care services.~~
 - ~~(g) Provisions for payment during temporary absences of the child or provider. (See .335 below.)~~

~~.324 The participant contract shall specify that the participant shall notify the CWD of any changes in child care arrangements including changes in providers (see Section 42-750.82). These changes shall be included in the participant's case file.~~

~~.33 Child Care Costs.~~

~~.331 GAIN funds may be used to pay for child care services arranged by the participant, providing those costs do not exceed regional market rates as specified in .333 below, and they meet the standards set forth in .31 above.~~

~~.332 Child care payments for GAIN participants shall be paid on a per month, per week, per day, or per hour basis depending on the participant needs, and the contractual terms used by the care providers to charge private clients for the same services.~~

~~.333 Participants shall be allowed to choose licensed or exempt child care, and the cost shall be reimbursed up to the regional market rate.~~

HANDBOOK BEGINS HERE

~~(a) Regional market rates will be determined by DSS in accordance with resourcee and referral programs provided for under Article 2 (commencing with Section 8210) of Chapter 2 of Part 6 of the Education Code, and the Alternative Payment program provided for under Article 3 (commencing with Section 8220) of Chapter 2 of Part 6 of the Education Code.~~

~~(b) The regional market rate means care costing no more than 1.5 standard deviations above the mean market cost of care for that region.~~

~~(1) The mean market cost for care in a region will be determined based on a statistically valid survey of the rates established by child care providers for private clients.~~

~~(A) The regional market rate will be updated no less than every two years with recent survey data.~~

HANDBOOK ENDS HERE

~~.334 Payment Eligibility Prior to Trustline Registry Notification~~

~~The county shall issue child care payments for care provided prior to the date the county receives notification that a Trustline application has been denied or the child care provider's registration status has been revoked.~~

~~.335 Revocation of Trustline Registry Eligibility~~

~~The county shall discontinue payment when the county is notified by the California Child Care Resource and Referral network that a license exempt child care provider is denied Trustline registry, had their Trustline case file closed, or had their Trustline registration status revoked.~~

~~.336 Application/Registration Fees~~

~~GAIN funds shall be used to pay application and/or registration fees charged by licensed child care providers, not to exceed the fees charged to private clients for the same service, and providing those fees, after being added to current child care costs, do not exceed regional market rate ceilings as specified in Section 42 750.333. If the combination of the application/registration fee and child care costs exceeds the regional market rate ceilings, GAIN funds can only be used for the portion of the fee that is up to the regional market rate ceiling.~~

~~(e) In cases where the child care provided is in a region where there are not more than two child care providers of the type needed by the participant, counties shall pay the actual cost for child care.~~

~~.337 Reimbursement to child care providers for GAIN participants shall not exceed the fee charged to private clients for the same service. Reimbursement shall be made at a rate lower than that charged to private clients for the same service, if the child care program agrees to charge a lower fee.~~

~~.338 GAIN funding will be available to pay for child care services when the child is temporarily absent from care, if it is agreed to pursuant to .323(g) above. Payment may be made for temporary absences only for the following verified reasons:~~

- ~~(a) Illness or quarantine of the child;~~
- ~~(b) Illness or quarantine of the parent;~~
- ~~(c) Family emergency;~~
- ~~(d) Court ordered visits with a parent or other relative of the child; or~~
- ~~(e) Other reasons approved by the CWD.~~

- ~~.34 Counties shall issue payments for child care costs within the following time frames:~~
- ~~.341 For advances, within seven calendar days after CWD approval for an advance payment has been made.~~
- ~~.342 For reimbursements, within 20 calendar days after receipt of all documents necessary to verify those expenses.~~
- ~~.35 No reimbursements shall be made for child care services when care is provided by the child's parents, legal guardians, or members of the assistance unit, including, but not limited to, essential persons.~~
- ~~.36 When there is a change in provider without prior notification to the CWD as specified in Section 42-750.82, payments for child care services shall be subject to the following conditions and limitations:~~
- ~~.361 If the new provider meets regulatory criteria under Section 42-750.31 and the change was due to an emergency or exceptional situation as defined in 42-750.821, the CWD shall approve the new provider effective the date services began, even if a payment to the prior authorized provider will also be made for the transitional time period.~~
- ~~.362 If the new provider meets regulatory criteria under Section 42-750.31 but the change is not due to an emergency or exceptional situation, the CWD shall approve the new provider effective with the end of the prior authorized provider's service.~~
- ~~(a) If the prior authorized provider's contractual terms require full payment, the CWD shall approve the new provider, effective with the end of the prior authorized provider's contractual period.~~
- ~~.363 Repealed by Manual Letter No. EAS-91-04, effective 2/27/91.~~
- ~~.37 Child care may be paid for a period not to exceed one month, where child care arrangements would otherwise be lost and an approved GAIN activity or job is scheduled to begin within that period.~~
- ~~.38 Participants in an OJT assignment who lose eligibility for AFDC due to earned income, hours worked, or loss of income disregards, shall be eligible to receive supportive services in accordance with Section 42-750 for the duration of participation in the assignment.~~
- ~~.381 The CWD shall reduce the available number of months of Transitional Child Care, as defined in Section 47-120, by the number of months of child care provided during the OJT assignment pursuant to Section 42-750.38.~~

HANDBOOK BEGINS HERE

~~If the participant would have been eligible for Transitional Child Care (TCC) as defined in Section 47-120 at the time that he/she lost eligibility for AFDC as specified in Section 42-750.38, he/she is eligible to receive TCC for the number of months left in the TCC eligibility period following the end of the OJT assignment.~~

~~For example, an individual who goes into OJT loses eligibility for AFDC in January. The OJT continues until April during which time the individual receives child care as a participant. If the individual would have been eligible for TCC in February, the individual is potentially eligible for the remaining months of TCC if he/she enters unsubsidized employment at the end of the OJT assignment.~~

HANDBOOK ENDS HERE

- ~~.4 Reasonable transportation costs shall be paid for every participant to and from his or her GAIN assignment, including transportation to and from the child care provider, and transportation for children to and from child care.~~
- ~~.41 Regional market rates for transportation shall be determined as follows:~~
 - ~~.411 The least costly form of public transportation including CWD provided transportation that would not preclude participation in GAIN as specified in Section 42-783.1(b).~~
 - ~~.412 If there is no public transportation available which meets the requirements of Section 42-750.411, participants may use their own vehicles, and shall be reimbursed at a rate used to reimburse CWD employees for the use of privately owned vehicles.~~
 - ~~.413 Parking for GAIN participants shall be reimbursed at actual cost. Participants must submit receipts for this purpose, except in cases where parking meters are used.~~
 - ~~.414 Reimbursement to participants who choose to use their own vehicles when public transportation is available shall not exceed the rate specified in Section 42-750.411.~~
 - ~~.415 The CWD shall submit as part of their county plan, an alternative for areas in which there is no public transportation available, and where a per mile reimbursement rate would result in excessive costs.~~

- ~~.416 Participants who are in approved on the job training, grant diversion, supported work, or transitional employment assignments and who continue to receive an AFDC grant shall be eligible for transportation expense payments in accordance with Section 42-750.7.~~
- ~~.5 Ancillary expenses shall be paid when necessary to participate in approved GAIN activities or to accept employment opportunities. These expenses shall include books, tools, clothing, fees, and other necessary costs of a work, education or training assignment.~~
- ~~.51 Repealed by Manual Letter No. EAS-93-07, effective 4/2/93.~~
- ~~.52 A person who has personal or family problems that are jeopardizing the successful outcome of the employment plan as specified in the contract entered into pursuant to Section 42-771 shall, to the extent available, receive necessary counseling or therapy to help him or her and his or her family adjust to his or her job training assignment.~~
- ~~.53 The CWD shall specify the method(s) that it will use to provide these services in its county plan.~~
- ~~.54 Participants who are in approved self-initiated programs shall not be reimbursed for ancillary expenses.~~
- ~~.55 Participants who are in approved on the job training, grant diversion, supported work, or transitional employment assignments and who continue to receive an AFDC grant shall be eligible for ancillary expense payments in accordance with Section 42-750.7.~~
- ~~.6 Payments for supportive services shall be advanced to the participant whenever necessary and desired by the participant, so that the participant need not use his or her funds to pay for these services.~~

HANDBOOK BEGINS HERE

~~The CWD should minimize the need to make advance payments to participants by paying for services directly.~~

HANDBOOK ENDS HERE

- ~~.61 An unused portion of an advance payment for supportive services is that amount of an advanced payment received which is not subsequently supported by proof of costs.~~

- ~~.62 The unused portion of an advance payment shall be collected from either: 1) supportive services reimbursements for the month following the month for which the advance payment was made or 2) subsequent supportive services advances for the second month following the month for which the advance payment was made.~~
- ~~.621 If proof of costs is not provided by the participant or obtained by the CWD, the CWD shall treat the entire advance as unused.~~
- ~~.622 When an individual is unable to provide the necessary information for the CWD to determine whether there is an unused portion of an advance payment for supportive services, the CWD shall assist the individual in securing the proof of costs.~~
- ~~.623 When the individual and the CWD are unable to secure proof of costs, the CWD shall accept the individual's sworn statement under penalty of perjury as sufficient evidence of costs if no evidence to the contrary exists.~~
- ~~.624 Proof of costs shall include, but is not limited to, the following: attendance reports, receipts and provider documentation.~~
- ~~.625 Any recovery of supportive services child care payments shall only be made from future child care payments. Any recovery of transportation and/or ancillary expenses shall only be made from future transportation and/or ancillary expense payments.~~

HANDBOOK BEGINS HERE

- ~~(a) For example: The unused portion of an advance for transportation expenses may be adjusted from a subsequent ancillary expense payment.~~

HANDBOOK ENDS HERE

- ~~.626 The CWD shall notify the participant of any adjustment made to a supportive services payment, as specified in Section 42-750.811(e).~~
- ~~.627 If upon receipt of the notice specified in Section 42-750.626, the participant indicates that the collection will result in disruption of child care arrangements, preclude participation in the program or prevent employment, the county shall:~~
- ~~(a) Not collect the unused portion of the advance; and~~
- ~~(b) Follow the overpayment procedures and the deferred repayment procedures specified in Section 42-751.3.~~

~~.628~~ Except as specified in Section 42-750.627, if the county is unable to collect in part or in full, the unused portion of an advance payment following receipt of proof of costs in the month as specified in Section 42-750.62, the county shall collect the remaining portion using the appropriate overpayment recovery procedures specified in Sections 42-751.3, .4 and .5.

~~.7~~ Participants who are in on the job training, grant diversion, supported work, or transitional employment assignments and who continue to receive an AFDC grant shall be eligible for transportation and ancillary expense payments in accordance with Sections 42-750.4 and .5 for the duration of his/her assignment, to the extent the need for transportation and ancillary expense payments exceed the AFDC standard work expense disregard as specified in Section 44-113.214.

~~.71~~ The CWD shall determine the amount of the transportation and/or ancillary expense payment based on a calculation of the amount of transportation and/or ancillary expense payment requested by the participant and approved by the CWD minus the standard work expense disregard.

~~.711~~ The CWD shall apply the standard work expense disregard when the earnings are equal to or in excess of the disregard amount. The CWD shall apply the actual amount of earnings, rounded to the next lower dollar, when the earnings are less than the standard work expense disregard.

(a) For purposes of the calculation described in Sections 42-750.71 and .711 and in the absence of a monthly eligibility report, the CWD shall use an estimate of monthly earnings provided by the participant.

(1) The calculations specified in Section 42-750.711 and 42-750.711(a) shall apply to advance payments and reimbursements.

HANDBOOK BEGINS HERE

(b) The participant has requested a \$50 transportation expense payment for May. The participant indicates that the earnings posted on the monthly eligibility report will be \$40. Based on the estimated earnings, the CWD reduces the GAIN transportation expense payment by \$40. The GAIN transportation payment will be \$10.

Monthly eligibility report earnings	\$40
-------------------------------------	------

GAIN transportation expense payment request	\$50
---------------------------------------------	------

Work expense disregard	-\$40
------------------------	-------

GAIN transportation expense payment	= \$10
-------------------------------------	--------

(c) The participant requests a \$50 transportation expense payment in July.

The participant specifies that the monthly eligibility report for July will show earnings of \$100. Based on the estimated earnings the GAIN transportation expense payment is \$0. In August, the county receives the July monthly eligibility report with earnings of \$100.

Monthly eligibility report earnings	\$100
GAIN transportation expense payment request	\$ 50
Work expense disregard	-\$ 90
GAIN transportation expense payment	= \$ 0

HANDBOOK ENDS HERE

- ~~.712~~ The CWD shall inform the participant prior to the beginning of the assignment of the procedures specified in Section 42-750.7.
- ~~.713~~ The CWD shall notify the participant of any changes to existing supportive services payments as specified in Section 42-750.8.
- ~~.714~~ Transportation and/or ancillary expense payments subject to the procedures specified in Sections 42-750.7 and .711 shall include on going expenses necessary for participation in an on the job training, grant diversion, supported work, or transitional employment assignment.
- (a) On-going transportation expenses shall include, but are not limited to, gasoline expenses, public transportation costs, and monthly parking fees.
- (b) On-going ancillary expenses shall include but are not limited to, monthly training supplies costs.
- ~~.715~~ One-time transportation and/or ancillary expenses payments shall not be subject to the procedures specified in Sections 42-750.7 and .711.
- (a) One-time transportation and/or ancillary expense payments shall be determined in accordance with Sections 42-750.4 and .5.
- (b) One-time transportation expenses shall include but are not limited to, transportation costs necessary to accept employment in the first month of the assignment; this will include necessary transportation expenses prior to receipt of the first pay check.

- (c) ~~One-time ancillary expenses shall include, but are not limited to, drivers license fees, books, and clothing specific to the assignment.~~
- (d) ~~One-time transportation and/or ancillary expenses that recur during a subsequent assignment may be approved for payment as specified in Sections 42-750.4 and .5.~~

~~.716 In a month in which a transportation expense payment, as specified in Section 42-750.4 and an ancillary expense payment, as specified in Section 42-750.5 are requested, the CWD shall apply the work expense disregard one time to the combination of the requested expenses.~~

~~HANDBOOK BEGINS HERE~~

- (a) ~~The participant requests a \$100 on-going transportation expense payment and a \$20 on-going ancillary expense payment for May. The CWD adjusts the supportive services payments for May based on the participant's estimated earnings for May of \$95. Because the estimated earnings exceed the standard work expense disregard, the CWD reduces the combined supportive services request (\$120) by the standard work expense disregard. The CWD then owes the difference of \$30 to the participant. The participant requests that the \$30 be applied to the transportation expense payment.~~

Estimated earnings	\$ 95
Transportation expense request	\$100
Ancillary expense request	+ 20
	= \$120
Work expense disregard	- 90
GAIN transportation payment	= \$ 30

~~HANDBOOK ENDS HERE~~

~~.717 In a month in which an on-going transportation and/or ancillary expense payment is advanced or reimbursed to the participant based on an estimate of earnings and the payment exceeds the amount the participant is entitled to receive as specified in Sections 42-750.7 and .711, the CWD shall adjust the subsequent month's transportation and/or ancillary expense payment(s) to recover the excess amount paid.~~

- (a) ~~The CWD shall notify the participant of the adjustment to future transportation and/or ancillary expense payments as specified in Section 42-750.8.~~

(b) ~~If, upon receipt of the notice specified in Section 42-750.717(a), the participant indicates that the adjustment based on the excess amount paid will preclude participation in the program or prevent employment, the county shall:~~

~~(1) Not adjust the next payment; and~~

~~(2) Follow the overpayment recovery procedures specified in Section 42-751.~~

(c) ~~Except as specified in Section 42-750.717, if the county is unable to collect in part or in full the overpaid amount the county shall collect the remaining portion using the appropriate overpayment recovery procedures specified in Section 42-751.~~

~~.718 In a month in which an on-going transportation and/or ancillary expense payment has been paid to the participant based on approximate earnings, and the monthly eligibility report shows earnings less than the estimated earnings used, the CWD shall recalculate the payment and determine whether the supportive services payment made was less than that to which the participant was entitled as specified in Section 42-750.711.~~

(a) ~~Any amount owed to the participant shall be provided within 20 calendar days as specified in Section 42-751.11.~~

.8 (Renumbered to new Section 42-750.4 et seq.)

.9 (Renumbered to new Section 42-750.33.)

.91 (Renumbered to new Section 42-750.331.)

.92 (Renumbered to new Section 42-750.332.)

.93 (Renumbered to new Section 42-750.333.)

.94 (Renumbered to new Section 42-750.334.)

.941 (Renumbered to new Section 42-335 et seq.)

HANDBOOK BEGINS HERE

~~.942 For example: The local Community College has an agreement with the CWD to provide GAIN educational services. The financial aid agreement specifies that the CWD will provide child care necessary to participate in GAIN and that the Community College will develop GAIN participant student budgets to meet the costs of transportation and books.~~

~~A GAIN participant assigned to attend the Community College indicates that she does not need GAIN to pay for transportation or ancillary expenses because her financial aid covers these expenses. After three months in GAIN, her car needs expensive repairs that deplete her financial aid, and she requests a bus pass from GAIN to enable her to get to school. The CWD provides the bus pass.~~

HANDBOOK ENDS HERE

.95 (Renumbered to new Section 42-750.34.)

Authority cited: ~~Sections 10553, 10554, 10604, and 11320 et. seq., Welfare and Institutions Code.~~

Reference: ~~Section 8172, Education Code; Sections 10613, 11500(c)(1), 11501.1(a), 11501.5(a), 11209, 11320.6(g)(5), 11323.2, 11323.4, 11323.6, 11323.8, 11324, and 11500(c)(1), Welfare and Institutions Code; 45 CFR 250.21(d)(13), 45 CFR 250.40(a)(2) and (3), 45 CFR 250.48(a)(3), 45 CFR 250.61(e) and (f), 45 CFR 250.73(e), 45 CFR 250.95(b), 45 CFR 255.1(e)(1) and (4), 45 CFR 255.2, 45 CFR 255.4(a)(2)(iii), (c)(2), (f)(2), (I)(1) and (j); 45 CFR Part 256; JOBS FSA AT 91-5; and 42 U.S.C., Section 602.~~

Repeal Section 42-751:

~~42-751 UNDERPAYMENTS AND OVERPAYMENTS OF SUPPORTIVE SERVICES 42-751~~

~~.1 Definitions~~

~~.11 Underpayments occur when it has been determined by the county that supportive service payments made to the participant, or the value of services provided on behalf of the participant, are less than those to which he/she is entitled as specified in Section 42-750.~~

~~.111 Action to correct underpayments shall be taken within 20 calendar days from the date the CWD determines that an underpayment exists.~~

~~.12 Overpayments occur when it has been determined by the CWD that supportive services payments made to the participant, or the value of services provided on behalf of the participant, exceed those to which he/she is entitled as specified in Section 42-750.~~

HANDBOOK BEGINS HERE

~~An overpayment may be all or a portion of a supportive services payment.~~

HANDBOOK ENDS HERE

~~.121 The amount subject to collection procedures specified in Section 42-751.2, includes:~~

~~(a) Payments provided for periods during which the participant is absent from GAIN activities when:~~

~~(1) The absence is in excess of the provider's standard for absence, or if there is no provider standard, the absence is in excess of ten percent of the monthly hours required for any component as specified in Section 42-782.2; and~~

~~(2) The absence is without good cause according to those reasons specified in Section 42-782.1.~~

~~(b) Uncollected unused advance payments as defined in Sections 42-750.627 and .628.~~

- (c) ~~Payments provided which exceed those to which the participant is entitled when applying the standard work expense disregard for participants in on-the-job training, grant diversion, supported work or transitional employment assignments pursuant to the provisions of Section 42-750.7.~~

~~.13 Overpayments are not considered to have occurred:~~

- ~~.131 During absences of the child(ren) from child care when the child care arrangements would be lost and the absence is a result of verified reasons as specified in Sections 42-750.335(a) through (e) and 42-750.37.~~
- ~~.132 During absences of the participant from GAIN activities that are for reasons that meet the good cause criteria as specified in Section 42-782.1.~~
- ~~.133 During lapses in AFDC eligibility for up to one month due to late CA7 reporting as specified in Section 40-181.221.~~
- ~~.134 During lapses in AFDC eligibility due to AFDC administrative error or for less than a full month.~~

~~.2 General Criteria~~

- ~~.21 The CWD shall take all reasonable steps necessary to promptly correct and collect any overpayment that is known to the county.~~
 - ~~.211 The CWD shall refer cases of suspected fraud to the county Special Investigative Unit as specified in MPP Section 20-005.~~
 - ~~.212 The CWD shall attempt recovery efforts in all cases of current AFDC recipients, including current and former GAIN participants.~~
 - ~~.213 The CWD shall attempt recovery efforts in all cases of former AFDC recipients except as specified in Section 42-751.5.~~
 - ~~.214 The CWD shall continue to attempt recovery efforts in all cases of former Cal-Learn participant overpayments.~~
- ~~.22 The county shall recover supportive services overpayments from the overpaid individual or may collect from:~~
 - ~~.221 Any adult member of the assistance unit that was overpaid; or~~
 - ~~.222 Any adult who is a former member of an assistance unit that was overpaid; or~~
 - ~~.223 Any family which contains an individual who was a member of a previously~~

~~overpaid assistance unit.~~

~~.23 When the county has determined that an overpayment exists, the county shall calculate the amount of the overpayment and determine the appropriate method of recovery.~~

~~.24 Counties shall be allowed to use recovery methods as specified in Section 42-751.4 concurrently.~~

~~.241 The methods that result in the maximum recovery without interfering with program participation shall be used.~~

~~.3 Initial Recovery and Establishing Repayment Agreements~~

~~.31 The county shall initiate recovery within 30 calendar days of the date the overpayment is first discovered by notifying the individual in writing that he/she has an overpayment and that he/she must contact the county within ten calendar days of the date the notice is mailed to arrange repayment.~~

~~.311 If the participant does not respond to the overpayment notice within ten calendar days of the date the initial notice is mailed or the participant does respond to the initial notice, but fails or refuses to enter into a repayment agreement, the county shall use the payment adjustment method of recovery as specified in Section 42-751.44 unless:~~

~~(a) The county determines that the deferred repayment provisions of Section 42-751.32 apply.~~

~~.312 The overpayment notice shall include:~~

~~(a) The name of the overpaid person;~~

~~(b) The amount owed;~~

~~(c) The reason for the claim;~~

~~(d) The period of time that the claim covers;~~

~~(e) A statement regarding the right of the participant to a State hearing if the participant disagrees with any aspect of the claim;~~

~~(f) The reasons repayment may be deferred as specified in Section 42-751.32;~~

- (g) ~~A statement that recovery will occur as specified in Section 42-751.311 if the individual fails to respond within ten calendar days.~~
- ~~.313 The county shall attempt to obtain a signed repayment agreement from the overpaid individual subject to the recovery methods specified in Section 42-751.4 and provide a copy of the agreement to the overpaid individual.~~
- .32 (Renumbered to new Section 42-751.3(c) et seq.)
- .4 (Renumbered to new Section 42-751.3(d).)
 - .41 (Renumbered to new Section 42-751.3(d)(1).)
 - .411 (Renumbered to new Section 42-751.3(d)(1).)
 - .42 (Renumbered to new Section 42-751.3(d)(2).)
 - .421 (Renumbered to new Section 42-751.3(d)(2).)
 - .43 (Renumbered to new Section 42-751.3(d)(3).)
 - .431 (Renumbered to new Section 42-751.3(d)(3).)
 - (a) (Renumbered to new Section 42-751.3(d)(3)(A).)
 - (b) (Renumbered to new Section 42-751.3(d)(3)(B).)
 - .432 (Renumbered to new Section 42-751.3(e).)
 - .44 (Renumbered to new Section 42-751.3(f) et seq.)
- ~~.5 Demand Recovery~~
 - ~~.51 The county shall demand, in writing, repayment of any outstanding overpayment amount from:~~
 - ~~.511 Any individual who becomes exempt and does not volunteer to participate or loses eligibility for AFDC, unless the individual continues to repay in accordance with a previous repayment agreement or enters into a new repayment agreement as specified in Section 42-751.447.~~
 - (a) ~~The provisions of Sections 42-751.51 and .511 do not apply to on-the-job training participants specified in Section 42-750.38.~~

~~.512 Any individual who fails to make a cash payment as agreed in a repayment agreement specified in Section 42-751.313, unless the individual enters into a new repayment agreement.~~

~~.52 Once the initial demand letter for repayment has been sent, the county shall continue recovery efforts of supportive services overpayments in all cases of fraud, in all cases of current recipients and in all cases of former recipients of AFDC where the overpayment amount would equal or exceed the cost of recovery.~~

~~.53 When a participant: 1) loses eligibility for aid; 2) meets the eligibility criteria for the Transitional Child Care (TCC) Program specified in Section 47-120; and 3) there is an uncollected GAIN child care overpayment, the county shall recoup the amount using procedures specified in Section 47-190.~~

~~.6 Overpayment Record Maintenance~~

~~.61 The county shall maintain a record of the overpayment including all notices and repayment agreements, the repayment dates and amounts recovered.~~

~~.62 Once collection of the overpayment is completed, the overpayment records shall be retained in accordance with requirements for records retention of public assistance cases, as specified in MPP Section 23-350.~~

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11323.4(b) and (d)(1), and 11328, Welfare and Institutions Code; 45 CFR 205.10, 255.2(h)(1) and 255.4(j); 54 FR 42234, October 13, 1989; and JOBS-FSA-AT-91-5.

Repeal Section 42-760:

~~42-760~~ GAIN REGISTRATION

~~42-760~~

- ~~.1 The following applicants for, and recipients of, AFDC are automatically registered for GAIN:
 - ~~.11 Individuals who are not exempt as specified in Sections 42-788 through 42-799.~~
 - ~~.12 Exempt individuals who volunteer to participate.~~~~
- ~~.2 If the county is under statutory reductions in accordance with Section 42-720.6, the CWD shall provide a written notification of registration to excluded individuals. The notification shall include information regarding the reason for exclusion and the right to appeal this determination. The county shall notify the excluded individuals of their right to a state hearing as specified in MPP Division 22. Sections 42-760.3 through .5 do not apply to excluded individuals.~~
- ~~.3 The CWD shall inform exempt individuals of their right to volunteer for GAIN, unless they are excluded as provided in Section 42-760.2.~~
- ~~.4 The CWD shall provide a written notification of registration to nonexempt and volunteer individuals, unless they are excluded as provided in Section 42-760.2.
 - ~~.41 The notification shall include:
 - ~~.411 A general description of the GAIN program and the availability of job search, training, education, and supportive services.~~
 - ~~.412 The individual's rights, duties, responsibilities, and consequences of a failure or refusal to participate in the program.~~
 - ~~.413 An explanation to the volunteer of the right to withdraw from participation without loss of AFDC benefits.~~~~
 - ~~.42 The CWD shall not provide this written notification to the individual until the CWD has determined whether the individual is exempt, as specified in Sections 42-788 through 42-799.~~~~
- ~~.5 If the individual is not excluded as provided in Section 42-760.2 and his/her status changes from exempt to nonexempt, the CWD shall provide the notification of registration as required in MPP Section 42-760.4.~~
- ~~.6 For purposes of data collection and participant tracking, the CWD shall maintain copies of the notification of registration required in Sections 42-760.4 and .5.~~

- ~~.7 Any AFDC applicant or recipient who is a member of, and who lives within the designated service area of, any Indian Tribe operating a Job Opportunities and Basic Skills Training (JOBS) Program approved by the federal Department of Health and Human Services under the Family Support Act of 1988 (P.L. 100-485) shall, if required pursuant to a tribe's approved operating plan, participate in the tribal program in place of registration and participation in the GAIN Program. Any county in which there is an approved Indian Tribal JOBS Program shall do all of the following:~~
- ~~.71 Maintain the confidentiality standards specified in MPP Division 19.~~
 - ~~.72 Refer all AFDC applicants and recipients who are Tribal members to the Tribe's JOBS Program.~~
 - ~~.73 Impose financial sanctions in accordance with Section 42-786.~~
 - ~~.74 Provide child care referral and payments, including transitional child care in accordance with Sections 42-750.2 and .3 and Division 47.~~
 - ~~.75 Enter into any agreements necessary to carry out the activities specified in this Section.~~
- ~~.8 The provisions of Section 42-760 shall not apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative.~~

~~Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.~~

~~Reference: Sections 10553, 10554, 11320.3, 11320.4(a) and (c)(1), and 11324.8, Welfare and Institutions Code; 45 CFR 250.30(b); 45 CFR 250.31; 45 CFR 250.90; 45 CFR 250.94(a)(2); 45 CFR 250.95(b); and 45 CFR 250.97(f)(7).~~

Repeal Section 42-761:

~~42-761 GAIN REGISTRANT APPRAISAL~~

~~42-761~~

- ~~.1 Except as provided in Section 42-761.11, the county shall conduct an appraisal as required in Sections 42-761.2 through .33 of each registrant at the time the individual enters the program.~~
- ~~.11 The CWD shall not conduct the appraisal activities specified in Sections 42-761.2 through 42-761.33, for individuals excluded from program participation in accordance with Sections 42-720.63 and .632, unless the individuals are permitted to participate pursuant to Section 42-720.66. The CWD shall collect data on these excluded individuals in conformity with CDSS requirements.~~
- ~~.2 Appraisal activities shall include the following:~~
 - ~~.21 If the federal Targeted Jobs Tax Credit/California Jobs Tax Credit programs, under which hiring a GAIN registrant may qualify an employer for an income tax credit, are in effect, the CWD shall:~~
 - ~~.211 Complete a written preliminary determination that the registrant is a member of a targeted group for purposes of the tax credit.~~
 - ~~.212 Give the registrant a tax credit form.~~
 - ~~.213 Advise the registrant to tell employers of the tax credit eligibility and to give the form to an employer when hired.~~

HANDBOOK BEGINS HERE

- ~~(a) The employer may send the form to the appropriate EDD office for certification.~~

HANDBOOK ENDS HERE

- ~~.22 Obtain information that assists in determining the status of the registrant.~~
 - ~~.221 A self-appraisal form completed by the registrant may be used.~~
 - ~~.222 The information collected shall include, but not be limited to, the following:~~
 - ~~(a) Whether the registrant meets any of the deferral criteria listed in Section 42-761.3.~~
 - ~~(b) Whether the registrant has been employed during the past two years.~~

- (c) ~~Whether the registrant is currently participating in an education or training program.~~
 - (d) ~~Whether the registrant lacks basic literacy or mathematics skills, a high school diploma, or its equivalent, or English language skills.~~
 - (e) ~~The registrant's need for supportive services.~~
 - (f) ~~The registrant's need for an evaluation as specified in Section 42-773.2.~~
- .23 ~~If it has not been determined prior to Appraisal, determine if the registrant should be deferred from participation based upon the criteria specified in Sections 42-761.3 or .4.~~
- .24 ~~Reemphasize to nondeferred registrants the services available under GAIN, their responsibilities and consequences for failure or refusal to participate.~~
- .25 ~~Advise the registrants of their right to appeal, conciliate, and grieve.~~
- .26 ~~Determine the component to which the nondeferred registrant should be assigned in accordance with Section 42-772.~~
- .261 ~~The CWD shall determine if the registrant lacks basic literacy or mathematics skills or English language skills.~~
 - (a) ~~This determination shall also be made for registrants who, at the time of the appraisal, are enrolled in a program for which the sole purpose is to develop basic literacy or mathematic skills or English language skills, as specified in Section 42-772.311.~~
- .262 ~~For custodial parents described in Section 42-772.7, the activities specified in Sections 42-761.26 and .261 are not required.~~
- .27 ~~Identify the registrant's need for supportive services. (See Section 42-750.)~~
- .271 ~~Subject to the provisions of Section 42-750.2, the CWD shall immediately refer a registrant with a child(ren) to the local child care resource and referral agency if needed or as requested by the registrant.~~

~~These individuals will be placed on child care waiting lists to ensure future availability should the need arise.~~
- .272 ~~The CWD shall encourage the registrant to apply for educational and/or vocational training grants, scholarships, and awards for which he/she may be eligible.~~

- ~~.28 Develop and document a preliminary employment goal for any registrant who, after appraisal, is to participate in: (1) job search as provided in Section 42-772.1; (2) a self-initiated program as provided in Section 42-772.311, .4, or .722; (3) a program to earn a high school diploma or equivalent as required in Section 42-772.7; or (4) a work activity as provided in Section 42-775. It is not necessary to develop a preliminary employment goal for a registrant who is deferred or is being referred directly to assessment for development of his/her employment plan in accordance with Section 42-772.22.~~
- ~~.281 In developing the preliminary employment goal, the CWD or agency contracting with the CWD shall consider at least the following:~~
- ~~(a) The information provided by the registrant on the self appraisal form (Section 42-761.222).~~
 - ~~(b) The available program resources.~~
 - ~~(c) The local labor market opportunities.~~
 - ~~(d) The registrant's existing educational level, marketable skills, and past work history.~~
- ~~.282 Subject to the provisions specified in Section 42-761.281, the preliminary employment goal shall reflect the registrant's preferences to the maximum extent possible.~~
- ~~.29 Enter into a contract with the registrant as provided in Section 42-771 unless she/he is deferred.~~
- ~~.3 All of the following registrants shall have good cause for not participating and shall be deferred from mandatory participation until the CWD determines that the situation precluding participation no longer exists:~~
- ~~(a) An individual who, at the time of the appraisal, is enrolled on a full time basis in a program to earn a license, certificate, or degree that will lead to employment.~~
 - ~~(1) In order to remain deferred under this section, an individual must continue to make satisfactory progress in that program according to the standards of the provider, and maintain full-time participation in the program. Participation less than full time, but not less than half time, can meet the requirements of this section if full-time participation is not feasible due to good cause as defined in Section 42-782.1.~~
 - ~~(2) If the individual is attending less than full-time at the time of the appraisal but agrees to full-time attendance as soon as possible, the individual shall be considered to be attending on a full-time basis for the interim. Failure to~~

~~increase attendance to full time as agreed within the next quarter, semester, or available opportunity not to exceed six months will end the deferral except as provided in Section 42-761.3(a)(1).~~

- (3) ~~If the CWD does not agree that the program will lead to employment, the registrant shall be allowed to continue in the program if sufficient documentation is submitted to demonstrate that the program will lead to employment. Any of the following shall be proof that a program leads to employment:~~

(A) ~~A signed statement that an employer will give the person a job upon program completion.~~

(B) ~~A list of three employers who have frequent openings in the occupation pursued by the participant at a skill level that can be achieved by the participant through skill training components offered by the program.~~

(C) ~~A statement from a school district, community college, university, service delivery area, or Employment Development Department office stating that the program will lead to employment.~~

- (b) ~~A person who is so seriously dependent upon alcohol or drugs that work or training is precluded.~~

- (1) ~~If provided in the approved county plan, the CWD may choose to only provide this deferral to registrants who participate in, or actively pursue access to, an alcohol or drug treatment program that is licensed, certified, or has a contract with the state or county.~~

(A) ~~The county plan shall describe the treatment programs available to registrants in the county, including programs providing services that are appropriate to the needs of women with children.~~

(B) ~~A person who refuses to pursue treatment as a condition for this deferral, and who subsequently fails or refuses to comply with program requirements, shall not have good cause for noncompliance on the basis of his or her drug or alcohol dependence.~~

- (2) ~~Notwithstanding the provisions of Section 42-761.3(b)(1), a registrant shall not be required to participate in a drug or alcohol treatment program under any of the following conditions:~~

(A) ~~The person is on the waiting list(s) of any appropriate program(s) available.~~

- (B) ~~There is no appropriate treatment program available. A treatment program is not appropriate if the individual does not have access to a service that is essential to successful participation in the program, including, but not limited to, child care and transportation services.~~
- (e) ~~A person who is having an emotional or mental problem that precludes participation.~~
- (d) ~~A person who is involved in legal difficulties, such as court-mandated appearances, which preclude participation.~~
- (e) ~~A person who does not have the legal right to work in the United States.~~
- (f) ~~A person who has a severe family crisis.~~
- (g) ~~A person who is in good standing in a union which controls referrals and hiring in the occupation.~~
- (h) ~~A person who is temporarily laid off from a job with a definite call-back date.~~
- (i) ~~A person who is employed for 15 or more hours per week and either meets all of the criteria in Section 42-761.3(I)(1), (2), and (3); or all of the criteria in Section 42-761.3(I)(4).~~
 - (1) ~~The individual is earning at least the state or federal minimum wage, whichever is higher. This requirement shall apply to the net earnings of a self-employed individual, and it shall not apply during the first six months of self-employment or employment compensated by commission.~~
 - (2) ~~The individual is also participating in activities approved by the CWD that are similar to job search, education, or training activities in the program.~~
 - (A) ~~Activities assigned by the CWD to an individual who is participating in the program cannot be used to meet the deferral criteria in Section 42-761.3(I).~~
 - (3) ~~Except for an individual who meets the criteria in Section 42-761.3(I)(4), the combined hours of employment and participation in other approved activities shall equal at least 30 hours per week.~~
 - (4) ~~The requirements for this deferral may be met by at least 15 hours of employment per week and participation in an education or training program under the following conditions:~~
 - (A) ~~The participant is in the program to earn a license, certificate, or degree.~~

- (B) ~~By the provider's standards, the participant is enrolled on at least a half-time basis and is making satisfactory progress in the program.~~
- (C) ~~The program will lead to employment. If the CWD does not agree that it will lead to employment, the registrant shall be permitted to continue in the program if sufficient documentation is submitted through the process described in Section 42-761.3(a)(3) to demonstrate that it will lead to employment.~~
- (j) ~~A person or a family member has a medically verified temporary illness.~~
- (k) ~~A woman who is in the first trimester of pregnancy.~~
- (l) ~~A 16 or 17 year old custodial parent who is not currently in school and who does not possess a high school diploma, only when any of the following apply:~~
 - (1) ~~Supportive services that are needed by the individual are not available.~~
 - (2) ~~Intensive case management services as described in Section 42-772.76 are needed by the individual and are not available.~~
 - (3) ~~The individual has a special need that directly affects his/her ability to attend school or be successful in earning a high school diploma or equivalent, and that need cannot be met.~~
- (m) ~~A parent or other adult relative who lacks the necessary child care for a child who meets the criteria in Section 42-750.2 or for a child who meets the criteria of Section 42-750.22 but who does not meet the criteria of Section 42-750.21, and therefore is not eligible for child care paid by GAIN.~~
- (n) ~~An individual who lacks transportation.~~
- (o) ~~An individual who, at the time of the appraisal, is attending an education or training program that is not approvable as a GAIN activity or does not meet the requirements of Section 42-761.3(a) may be deferred in order to permit completion of the program semester, quarter or increment of not more than six months.~~
 - (1) ~~This deferral shall apply only when the conditions for the deferral in Section 42-761.3(a) cannot be met and the individual wishes to complete a current term of education or training before participating in GAIN.~~
- ~~31~~ ~~Deferral determinations for individuals meeting the criteria of Section 42-761.3(e) shall be made prior to Appraisal.~~

- ~~.311 Data collection activities specified in Section 42-720.7 and deferral review activities specified in Section 42-761.33 are not required for individuals meeting the criteria of Section 42-761.3(e).~~
- ~~.32 The CWD may request verification of the reason for the deferral if necessary. (See Section 40-157.)~~
- ~~.33 The CWD shall document the projected length of time of the deferral.~~
 - ~~.331 The CWD shall review the deferral situation periodically in accordance with the projected length of time of the deferral, but no less often than annually.~~
 - ~~.332 The registrant shall cooperate with the CWD and provide information, including documentation, as requested to complete the deferral review.~~
- ~~.34 When the deferral situation no longer exists, the registrant shall enter into a contract as required in Section 42-761.29.~~
- ~~.4 Registrants shall be deferred from mandatory participation requirements if they are assigned to a control group pursuant to Section 42-720.731.~~
 - ~~.41 Such registrants shall not receive GAIN services for the duration of the evaluation period, except under the following condition:~~
 - ~~.411 The registrant moves to a county that has not established or is not establishing such control groups.~~
- ~~.5 The provisions of Section 42-761 shall not apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative.~~

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11320.3(d), 11323.2(a), 11323.4(e), 11323.6(d)(1), 11325, 11325.2, 11325.21, 11325.22(a) and (b), 11325.23(a), 11325.25, 11330.3, and 11331.5(b), Welfare and Institutions Code; 45 CFR 250.1; 45 CFR 250.41(a) and (b); 45 CFR 250.42(a); 45 CFR 250.48(a) and 45 CFR 255.2(a); and 54 FR 42184, October 13, 1989.

Repeal Section 42-771:

~~42-771 GAIN PARTICIPANT CONTRACTS~~

~~42-771~~

~~HANDBOOK BEGINS HERE~~

~~All GAIN registrants are expected to engage in an active plan which will lead to gainful employment. The methods and time frames for fulfilling this expectation as well as the required supportive services, will be specified in a contract between the registrant and the county.~~

~~HANDBOOK ENDS HERE~~

- ~~.1 The assignment of a GAIN participant to any job search, education, or training activity or activities (see Sections 42-772 through 42-775) in accordance with his or her employment plan shall be specified in a written contract with the county welfare department that meets the following requirements:~~
 - ~~.11 The contract shall be written in clear and understandable language and shall have a simple and easy to read format.~~
 - ~~.12 The CWD shall utilize the contract format and language developed by DSS.~~
 - ~~.121 The CWD shall be permitted to add unique features to the contract that comply with the requirements in Section 42-771.1 and are approved by CDSS.~~

~~The CWD shall submit the language for proposed additions or changes to CDSS for approval before use.~~
- ~~.13 The information in the contract shall include, but not be limited to, the following:~~
 - ~~.131 A general description of the GAIN program, including available program components (see Section 42-730), the types of supportive services that are generally available to program participants (see Section 42-750), and a statement that supportive services will be provided as necessary for the participant to attend assigned program activities.~~
 - ~~.132 A general description of the rights, duties, and responsibilities of program participants, including:~~
 - ~~(a) A list of the exemptions from mandatory participation (see Sections 42-788 through 42-799).~~

- (b) ~~The consequences of the failure or refusal to participate in program assignments (see Sections 42-781 through 42-787).~~
 - (c) ~~The criteria for successful completion of the program, which shall include regular attendance, satisfactory progress, and completion of assigned program components. (See Sections 42-740.14 and 42-772.34.)~~
- .133 ~~A description of the grace periods for changes to the terms of a contract as follows:~~
 - (a) ~~The CWD shall allow the participant three working days after signing the contract, or any amendment to the contract, in which to consider and evaluate the proposed terms before the contract is considered final. If any changes to the proposed terms are agreed to as a result of this consideration period, the contract shall be revised to reflect the changes and shall be considered final.~~
 - (b) ~~The participant has 30 days from the beginning of a training or education assignment in which to request a change or reassignment to another component. The county shall grant the participant's request for reassignment if another component is available, or expected to be available within a reasonable period of time, that is consistent with the participant's employment plan. This grace period shall be available only once to each participant.~~
- .14 ~~The contract shall specify, and shall be amended to reflect changes in, the participant's employment plan as follows:~~
 - .141 ~~The employment goal to be attained under the program.~~
 - .142 ~~A description of assigned activities that are needed for the participant to attain the employment goal, which may consist of one or more of the components specified in Section 42-730.~~
 - .143 ~~Specific requirements for successful completion of assigned activities including, but not limited to, time frames for completion and required hours of participation.~~
 - .144 ~~A general description of supportive services that are available as necessary for the participant to complete assigned program activities.~~
 - .145 ~~Agreements between the CWD and participants in accordance with Sections 42-772.11 and .122(a).~~

- ~~.2 A participant shall not be placed involuntarily in any other training or education component, as specified in Sections 42-730.3 and .5, while waiting for assignment to the component agreed to in the contract.~~
- ~~.3 Subject to limits specified in Section 42-730.27, the participant shall receive job search services if the training and/or education assignment or assignments specified in the contract is/are not immediately available.~~
- ~~.4 Any assignment to a program component shall be reflected in the contract or an amendment to the contract. The county and the recipient shall be bound by the terms of the contract or any amendments thereto. The participant shall maintain satisfactory progress toward the goal of employment through the methods set forth in the contract; and except as provided in Section 42-771.41, the county shall provide the services specified in the contract.~~
- ~~.41 The CWD shall not be bound by the terms of a contract with another county. When a participant reenters GAIN after an intercounty transfer, the CWD in the second county shall enter into a new contract with the participant that is based upon a new employment plan.~~
- ~~.42 The participant's employment plan and contract may be amended when it is not possible to complete her/his program assignments for one of the following reasons:~~
- ~~.421 An assigned component is no longer available.~~
- ~~.422 The participant has been unable to complete a prerequisite component.~~
- ~~.423 At the CWD's discretion, any other substantial or compelling reason.~~
- ~~.5 The provisions of Section 42-771 shall not apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative.~~
- ~~.6 CWDs shall require an individual who has requested an exemption from GAIN participation, as specified in Section 42-788.22, to sign a GAIN contract only when:~~
- ~~.61 The CWD has completed the exemption determination process, and~~
- ~~.62 The CWD has determined that the individual is not exempt from participation in GAIN.~~

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11321.4; 11325(f); 11325.21; 11325.22(a)(1), (a)(2)(B), (b)(6), (c), (g), and (h); and 11325.6, Welfare and Institutions Code; 45 CFR 250.41(b); and 45 CFR 250.42.

Repeal Section 42-772:

~~42-772~~ GAIN PARTICIPATION REQUIREMENTS

~~42-772~~

- ~~.1~~ Following appraisal as described in Section 42-761, all participants except those described in Sections 42-772.12 and .13 shall be assigned to participate for a period of three weeks in job search services (see Section 42-730.2) that the CWD determines are appropriate to the participants' needs.
- ~~.11~~ The period of job search services may be shortened or lengthened upon a written agreement between the participant and the CWD in the participant contract.
 - ~~.111~~ The period may be shortened if reasonable job search efforts have been exhausted and further job search services would not be beneficial.
 - ~~.112~~ The period may be extended to the limits specified in Section 42-730.27 if continued job search efforts are likely to lead to employment.
- ~~.12~~ The following individuals shall not be required, but may be permitted, to participate in job search services as the first program assignment following appraisal:
 - ~~.121~~ A custodial parent under age 20 as defined in Section 42-772.7.
 - (a) The period of job search shall occur upon attainment of a high school diploma or its equivalent unless the individual has chosen to complete job search immediately after appraisal.
 - ~~.122~~ A person who has been determined by the county to lack the skills or education necessary to secure or succeed in entry level employment based upon local labor market conditions.
 - (a) The period of job search shall occur when the participant and CWD agree in writing in the participant contract that the individual has acquired sufficient skills and education to benefit from job search services unless the participant has chosen to complete job search immediately after appraisal.
 - (b) The period of job search may be concurrently scheduled with other assigned education/training activities as provided in Section 42-772.33.
 - ~~.123~~ A person who expresses a desire to be assigned to a basic education activity if the individual lacks a high school diploma or its equivalent and has held, but not retained, two or more jobs during the two-year period prior to appraisal. For the purposes of this criterion, a job has not been retained if it has been

~~held less than three consecutive months.~~

~~(a) The period of job search shall occur upon attainment of a high school diploma or its equivalent unless the individual has chosen to complete job search immediately after appraisal.~~

~~.124 A person enrolled in, or attending in good standing, a self-initiated education or training program approved in accordance with Sections 42-772.311 or .4.~~

~~.125 A person who has participated in job search activities under an employment program within the six months prior to appraisal, if the county determines that another period of job search would not be beneficial.~~

~~.126 A person who meets all of the following criteria:~~

~~(a) Has returned to the county's GAIN program within a two-year period.~~

~~(b) Has only participated in GAIN appraisal and job search activities.~~

~~(c) Has held, but not retained, two or more jobs during the two-year period. For the purposes of this criterion, a job has not been retained if it has been held less than three consecutive months.~~

~~.13 The parent in a family eligible for aid due to the unemployment of the principal earner (AFDC-U Parent), who is required to participate in accordance with Section 42-775.~~

~~.131 In addition to participation required by Section 42-775.1, the CWD may require the AFDC-U Parent to participate concurrently in job search activities as specified in Section 42-772.1. Concurrent assignments to job search are subject to the provisions of Section 42-775.4 or .52, as applicable, and may be made to the extent they do not conflict with the participation requirements of Section 42-775.~~

~~.14 Upon completion of job search as required in Section 42-772.1, or a determination that job search is not required in accordance with Section 42-772.12 or .13, participants shall be assigned to program activities as provided in Sections 42-772.3, .4 or .7, as applicable. See Sections 42-772.2, .5, and .6 for requirements related to employment plans, participant contracts, and limits on participation.~~

HANDBOOK BEGINS HERE

- ~~.15~~ The intent of regulations in Sections 42-772.1 through .126 is to require job search as the first assignment for any individual who may benefit from participation in job search services. In some cases, the regulations will require individuals who are already employed part-time to participate in job search activities to improve job search skills and obtain full-time employment. In those cases, the CWD is encouraged to schedule job search activities, to the extent possible, that do not conflict with the hours participants are working.
- ~~.16~~ Examples:
- (a) It is determined at appraisal that the participant is enrolled in a self-initiated program (SIP) that meets SIP approval criteria. The participant is not required to participate in job search as her first activity following appraisal, and an assessment is not required for development of her employment plan so that she may continue to participate in her self-initiated program. Job search will be required upon completion of the program.
 - (b) The participant is determined at appraisal to lack the skills and education necessary for entry-level employment in the local labor market and is, therefore, not assigned immediately to job search. Following assessment and a period of participation in ABE, the participant and CWD agree, in writing, in the amended contract that she has acquired sufficient skills and education to benefit from job search services. To avoid interrupting ABE participation, the individual is scheduled to concurrently participate in ABE and job search after a determination that concurrent participation requirements could be met.

HANDBOOK ENDS HERE

- ~~.2~~ Except as provided for an AFDC-U Parent in Section 42-772.24, the participant shall be assigned to GAIN job search, education, and/or training activities in accordance with an employment plan that is based, at a minimum, on consideration of the individual's existing education level, employment experience and employment goals; available program resources; and local labor market opportunities.
- ~~.21~~ The employment plan shall specify the employment goal to be attained under the program, as well as the assignment(s) needed to achieve the employment goal.
- ~~.22~~ Except for participants described in Sections 42-772.23, .24, and .7 the employment plan shall be developed on the basis of information received in an assessment that is performed upon completion of job search as required in Section 42-772.1, or a determination that job search is to be delayed in accordance with Section 42-772.12. The assessment shall meet the requirements of Section 42-773.1.
- ~~.23~~ Notwithstanding Sections 42-772.2 and .22, the employment plan for a participant in

~~a self-initiated program approved in accordance with Section 42-772.311 or .4, including a teen participant subject to Section 42-772.722, may be developed on the basis of an appraisal as required in Section 42-761.~~

- ~~.24 Notwithstanding the provisions of Sections 42-772.2 and .22, the employment plan of the AFDC-U Parent who is required to participate in accordance with Section 42-775 shall meet the requirements of Section 42-775.1 and may be developed on the basis of either an appraisal or an assessment, as provided in Section 42-775.2.~~
- ~~.25 Any assignment, or change in assignment, to a program activity in accordance with Sections 42-772 through 42-775 shall be included in the participant contract, or an amendment to the participant contract, as required in Section 42-771.~~
- ~~.3 Except as provided for an AFDC-U Parent in Section 42-772.35 and a teen participant in Section 42-772.7, the participant shall be assigned to one or more of the education and training activities described in Sections 42-730.3 and .5, as appropriate and necessary to achieve his/her employment goal as specified in the participant contract.~~
- ~~.31 Except as specified for teen participants in Section 42-772.7, a participant who lacks basic literacy or mathematics skills, a high school diploma or its equivalent, or English language skills shall be assigned to participate in adult basic education (see Section 42-730.51) as appropriate and necessary to achieve his/her employment goal.~~
- ~~.311 If the participant at the time of GAIN appraisal is attending a program for the sole purpose of obtaining the basic educational skills described in Section 42-772.31, she/he shall be allowed to continue in that program under the following conditions:~~
 - ~~(a) Literacy, language, or educational deficits as described in Section 42-772.31 are identified using appropriate testing instruments or other appraisal or assessment results, which can be addressed through the existing educational activity.~~
 - ~~(b) The individual provides documentation of attendance and progress as specified in Section 42-772.46 if there is no contract between the educational program provider and the CWD.~~
 - ~~(c) The individual meets the satisfactory progress provisions specified in Section 42-772.34.~~
 - ~~(d) The CWD may require concurrent or sequential participation in other appropriate GAIN activities as provided in Section 42-772.33.~~

- ~~.312 CWDs shall make the determination that participants subject to Section 42-772.31 have obtained the basic educational skills needed to achieve their employment goals based on criteria and/or testing instruments that are consistent with those used at appraisal and/or assessment to determine that the participants needed basic education.~~
- ~~.32 Except for a basic education assignment required by Section 42-772.31, a participant shall not be assigned to a program component that exceeds two years or, with respect to classroom education or training, two academic years.~~
- ~~.321 The two-year period may be extended, one time only, for a period not to exceed six months if it is reasonable to expect that the component will be completed within the extended period and the individual has been unable to complete the component due to any of the following circumstances:~~
- ~~(a) The individual's basic skills needs required more class time than was estimated at the commencement of the component.~~
 - ~~(b) The school or college did not offer required classes in a sequence that permitted completion of the component within the prescribed time period.~~
 - ~~(c) A personal or family crisis prevented the individual from completing the component within the two-year period.~~
 - ~~(d) The individual worked a minimum of 10 hours per week in employment paying at least the state or federal minimum wage, whichever is greater, for no less than six calendar months while participating in the assigned program.~~
- ~~.322 Periods during which the individual has good cause for not participating, shall not count against the two-year limit.~~
- ~~.323 A participant who fails to complete the assigned component within the two-year limit and six-month extension, is required to participate in job search in accordance with Section 42-772.8, if she/he has completed or exhausted the time limit(s) on any other activity(ies) in her/his employment plan.~~
- ~~.33 Participation in activities assigned pursuant to Section 42-772 may be sequential or concurrent. The CWD may require concurrent participation in the assigned activities if it is appropriate to the participant's abilities, consistent with the participant's employment plan, and the activities can be concurrently scheduled.~~
- ~~.331 The combined hours of participation in concurrently assigned activities shall not exceed 20 hours per week for any parent or relative who is providing care to a child under age 3, 32 hours per week for any parent or relative who is~~

~~providing care to a child 3 through 5, and 40 hours per week for other participants.~~

~~.34 The criteria for successful completion of training and education assignments shall include regular attendance, satisfactory progress, and completion of the program.~~

~~.341 If the CWD has entered into a contract with a service provider for the training or education program, the contract between the provider and the CWD shall contain provisions for reporting the participant's attendance and progress, as specified in Section 42-740.14.~~

~~.342 If there is no provider contract with the CWD, the procedures in Sections 42-772.46 through .463 shall be followed to monitor attendance and progress.~~

~~.35 The CWD may require an AFDC-U Parent who is required to participate in a work activity in accordance with Section 42-775 to participate concurrently in education and/or training activities. Concurrent assignments to a work activity and education/training are subject to the provisions of Section 42-775.4 or .52, as applicable, and may be made to the extent they do not conflict with the participation requirements of Section 42-775.~~

~~.4 The requirements of Section 42-772.3 shall not apply to any participant who, at appraisal, is enrolled in, or attending in good standing, a self-initiated vocational training or educational program that is likely to lead to unsubsidized employment in an occupation in demand, is consistent with the participant's employment goal, and is approved by the CWD as provided in Sections 42-772.4 through .47. The participant shall be allowed to continue participating for up to two calendar years in the self-initiated program under the conditions and limitations in this section. The CWD shall notify the individual in writing if the self-initiated program or extension to the program is disapproved, and the notice shall include the reason(s) for disapproval.~~

HANDBOOK BEGINS HERE

~~Individuals whose self-initiated programs are not approved as a GAIN activity may qualify for a deferral under Section 42-761.3(a) or (e).~~

HANDBOOK ENDS HERE

~~.41 In order to be approved, the individual's program shall be scheduled to be completed within the two-year period from the date the contract required in Section 42-771 is signed.~~

~~.411 If, at the end of the two-year period, the participant has not completed his/her program, the period for completion may be extended one time only, for up to six months, due to any of the following circumstances, when there is a reasonable expectation that the program can be completed within six months:~~

- (a) ~~The individual's basic skills needs required more class time than was estimated at the commencement of the program.~~
- (b) ~~The school or college did not offer required classes in a sequence that permitted completion of the self initiated program within the prescribed time period.~~
- (c) ~~A personal or family crisis prevented the individual from completing his or her self initiated program within the prescribed time period.~~
- (d) ~~The individual worked a minimum of 10 hours per week in employment paying at least the state or federal minimum wage, whichever is greater, for no less than six calendar months while participating in the self initiated program.~~

~~.412 An individual whose self initiated program, approved under the provisions of this section, is interrupted for good cause as defined in Section 42-782.1 that prevents participation in the education or training program, shall be permitted to resume participation in the same program as follows:~~

- (a) ~~The individual shall have maintained good standing in the program while participating.~~
- (b) ~~The CWD shall adjust the completion date of the program, to account for the time of absence, to allow the individual a cumulative total of two years to complete the program.~~
- (c) ~~If the break in participation was for more than one year, the individual may resume the program if the CWD determines that the previously approved self initiated education or training program meets all other criteria of Section 42-772.4 at the time it is resumed. The completion date shall be adjusted as provided in Section 42-772.412(b).~~

~~HANDBOOK BEGINS HERE~~

- (1) ~~The following examples demonstrate the application of these provisions:~~
 - (A) ~~Client A's self initiated program was approved and she signed her participant contract on January 1, year 1. Her scheduled completion date was December 31, year 2. In October, year 1, her daughter became very ill. Client A had to drop her classes to take care of her daughter. On January 1, year 2, Client A reenrolled in her program in good standing. Her completion date was adjusted to April 1, year 3, to account for her~~

~~three-month absence. Client A was concerned that this would be midsemester. She was informed that she could apply for an extension, if necessary, at that time.~~

~~(B) Client B's self-initiated program was approved and he signed his participant contract on August 1, year 1. At full time, the school estimated his program would be completed no later than June 30, year 3. Client B's wife subsequently waived her deferral for GAIN in order to complete her GED. To help out at home, Client B reduced his classload to five units on January 1, year 2. He continued in school, requested and received a deferral from GAIN, and his wife was registered as the mandatory participant for the family. His wife became pregnant in July, year 2 and qualified for deferral/exemption. Client B then returned to mandatory GAIN participant status and enrolled for full-time coursework in September, year 2. His GAIN case manager did not adjust the completion date for his SIP because the break in GAIN participation was not for a reason that prevented him from participating in his education program. He must complete his program by June 30, year 3, the original completion date.~~

~~(C) Client C signed her participant contract for her approved self-initiated program October 10, year 1 to be a laboratory technician. In June, year 2, Client C had an accident that prevented her from participating in her program until September, year 3. At that time, her GAIN worker reviewed the program to see if it still met the SIP approval criteria. The recent closure of a major weapons industry plant had forced many experienced laboratory technicians into the labor market. The worker informed Client C that there were no longer jobs in demand in her goal occupation; in fact, the largest employer for these occupations had gone out of business. Client C, unable to prove she could get employed or that there was a demand for her occupational goal, completed her semester of school under a deferral. Subsequently, she was assigned to participate in Job Club. If she had been able to produce proof of her employability at the completion of the program, her adjusted completion date would have been January, year 4, to allow for her time of absence.~~

HANDBOOK ENDS HERE

- ~~.42 Vocational and educational programs that are likely to lead to unsubsidized employment in an occupation in demand shall be those that will provide the participant with the training or education required to obtain employment in the goal occupation identified as required in Section 42-761.28.~~
- ~~.421 The goal occupation shall be considered in demand if it is an occupational field that has been identified as in demand in the county's labor market needs assessment.~~
- ~~.422 If a participant and the CWD do not agree that the participant's goal occupation is likely to lead to unsubsidized employment, or the self-initiated program is denied because the occupation is not in demand, the participant shall be permitted to continue pursuing the goal if she or he can provide sufficient documentation to demonstrate that the local labor market provides reasonable opportunities to work in the goal occupation. This documentation may include, but is not limited to:~~
- ~~(a) A signed statement that an employer will give the person a job in that occupation upon program completion.~~
 - ~~(b) A list of three employers who have frequent openings in the occupation pursued by the participant, at a skill level that can be achieved by the participant through skills training components offered by the program.~~
 - ~~(c) A statement from a school district, community college district, service delivery area, or an Employment Development Department office identifying the occupation as a demand occupation in the local labor market.~~
- ~~.43 The individual must need the self-initiated training or education program in order to become employable in unsubsidized employment.~~
- ~~.431 An individual who meets either of the following criteria shall be deemed employable and not eligible for SIP approval:~~
- ~~(a) Possesses a baccalaureate degree.~~
 - ~~(b) Has the education or job skills necessary to obtain unsubsidized employment in an occupation in demand that will provide the individual with an income at equal to two times the federal poverty level for the appropriate family size.~~
- ~~.432 A county shall not deem an individual employable under the provisions of~~

~~Section 42-772.431(b) if the person is able to demonstrate that, due to compelling personal circumstances, employment in the previous occupation is not realistic. Such circumstances include, but are not limited to:~~

- ~~(a) A work-related disability.~~
- ~~(b) Inability to obtain required union membership.~~
- ~~(c) Hours of employment that cause a severe hardship on the individual's family.~~

~~.44 In order to continue in the training or education program, the individual shall be attending full time according to the standards of the provider.~~

~~.441 If the individual is attending less than full time at the time of the appraisal but she or he agrees to full time attendance as soon as possible, the individual shall be considered to be attending on a full time basis for the interim. The interim period is limited to a semester, quarter or next available opportunity not to exceed six months.~~

~~.442 The individual shall be permitted to participate on less than a full time basis, but in no case less than half time if full time attendance is not feasible due to good cause as defined in Section 42-782.1, or if the individual is subject to the 20 hour weekly participation limit specified in Section 42-772.6.~~

~~.45 The participant shall participate according to Section 42-772.8 when she/he does any of the following:~~

~~.451 Completes the program or reaches the two-year limit and exhausts the available extension as specified in Section 42-772.41, whichever occurs first.~~

~~.452 Stops participating in the education or training program without good cause.~~

~~.453 Fails or refuses to regularly attend the education or training program without good cause.~~

~~.454 Fails to maintain satisfactory progress in the education or training program without good cause.~~

~~.455 Fails or refuses without good cause to increase participation in the self-initiated program to full time, or to participate on at least a half time basis, as appropriate in accordance with Section 42-772.441 or .442.~~

~~.46 The participant shall provide documentation from the training or educational provider to the county at least quarterly or at midpoint if the program is for less than three months to verify satisfactory participation, attendance, and progress in the program.~~

- ~~.461~~ The county shall verify the documentation whenever authenticity is in doubt.
- ~~.462~~ The county shall rely on the training or educational provider's normal standard of attendance or performance to determine if the participant meets the criteria of satisfactory participation, attendance, and progress.
- ~~.463~~ If the participant refuses to furnish the required documentation, the CWD shall consider that he/she is not meeting the criteria. See MPP Section 40-157 if the participant is unable to furnish the required documentation.
- ~~.47~~ If the CWD determines that the participant had good cause for failing to meet the participation, attendance, or progress standards, based on the criteria specified in Section 42-782, and the school allows the participant to continue in the program, the participant is deemed to be making satisfactory progress and participation according to Section 42-772.45 shall not be required.
- ~~.5~~ Notwithstanding any other provision in these regulations, until AFDC eligibility has been established for a mandatory registrant, she or he may only be required to participate in appraisal and job search (see Sections 42-761 and 42-772.1), as applicable. The mandatory registrant who is subject to Section 42-772.12 may only be required to participate in appraisal; however, the individual is permitted to participate in job search on a voluntary basis.
- ~~.6~~ Except as provided in Sections 42-772.61, 42-772.62, and 42-772.71, participation shall not be required for more than 20 hours per week for any parent or other relative who is personally providing care to a child under age 3, and 32 hours per week for any parent or relative who is providing care to a child age 3 through 5.
 - ~~.61~~ The participation limit specified in Section 42-772.6 is applicable to only one parent in an AFDC-U case.
 - ~~.62~~ The participation limit specified in Section 42-772.6 shall not apply to teen parents who are subject to the Cal Learn Program as described in Sections 42-762 through 42-769 when that Program is operative or to those Cal Learn participants who have graduated from high school or an equivalent program.
- ~~.7~~ A custodial parent under age 20 who does not possess a high school diploma or its equivalent and who is not exempt, or whose sole reason for exemption would have been having a child under age three, or who volunteers, shall participate in an educational activity leading to a high school diploma or equivalent, except as provided for self-initiated participants in Section 42-772.722.
- ~~.71~~ These participants shall participate full time as defined by the educational provider.
 - ~~.711~~ The provisions of Section 42-772.7 shall not apply to teen parents who meet the criteria of Sections 42-763.111 through .114 when the Cal Learn Program

as described in Sections 42-762 through 42-769 is operative.

- ~~.72 GAIN participation for these participants is limited to an education activity leading to a high school diploma or equivalent, except as follows:~~
- ~~.721 A custodial parent described in Section 42-772.7, who is 18 or 19 years of age and who fails to make satisfactory progress in the education activity to which he/she is assigned, shall be subject to the provisions of Section 42-773.2. The 20-hour weekly participation limit specified in Section 42-772.6 shall apply to participation in any activity other than an educational activity leading to a high school diploma or equivalent that is required as a result of the evaluation.~~
- ~~.722 A custodial parent described in Section 42-772.7, who is 18 or 19 years of age and is enrolled in a self-initiated vocational training or educational program that meets the SIP approval criteria in Section 42-772.4, continue to participate in the approved self-initiated program in lieu of the educational activity. Such participation shall be subject to the 20-hour weekly participation limit of Section 42-772.6.~~
- ~~.73 For purposes of Sections 42-772.74 through .78, whenever the term "teenage parent" is used, it means a custodial parent 16 or 17 years of age, who does not possess a high school diploma or its equivalent and who is not exempt, or whose sole reason for exemption would have been having a child under three. The provisions of Sections 42-772.74 through .78 are not required for voluntary participants.~~
- ~~.74 For a teenage parent 16 or 17 years of age, the participant contract shall meet the requirements for the participant contract in Section 42-771 and shall also include all of the following:~~

~~.741 A determination of the individual's need for intensive case management services, as specified in Section 42-772.76, and the method of providing needed services.~~

~~.742 A detailed education plan written by the local school district.~~

~~(a) When the education plan has been written, the CWD shall verify its completion and shall document such verification in the case record.~~

~~(b) The involvement of the parent(s) or legal guardian of the teenage parent in the development of the education plan shall be encouraged, as appropriate.~~

HANDBOOK BEGINS HERE

~~(c) The education plan will not require any additional activities from the school district beyond those already required when a student who has dropped out of school indicates a desire to resume attendance. The plan will be developed by the school district with the participant in consultation with the County Welfare Department. It will contain the following:~~

~~(1) A description of the education program that the participant will be required to follow, including vocational training and preparation that may be available through local education and training agencies.~~

~~(2) Courses and services that the school district currently offers to students, including child care, child development and parenting education, homemaking, or other consumer education, life skills courses, and counseling and guidance services, as appropriate for each student.~~

HANDBOOK ENDS HERE

~~.75 GAIN supportive services shall be limited to those that are necessary to enable the teenage parent to complete the education plan in Section 42-772.742 and shall not be available for the participant's use of community health and social services.~~

~~.76 Case management services and counseling shall be provided to teenage parents as needed to assist their participation in GAIN. Teen parents who began participation in GAIN before the age of 18 or in the Cal Learn Program before the age of 19 may receive these case management and counseling services after the age of 18 or 19, respectively, until they obtain a high school diploma or equivalent, so long as they continue to participate in the GAIN Program. Case management and counseling services may be provided until participants reach age 20, to the extent resources are~~

~~available and the services are needed to earn a high school diploma or its equivalent.~~

~~HANDBOOK BEGINS HERE~~

- ~~(a) Case management services include the following:~~
 - ~~(1) Designing a realistic GAIN plan that maximizes the ability of each teenage parent to reach his/her goal.~~
 - ~~(2) Providing referrals to appropriate community services needed to assist the teenage parent's successful return to school.~~
 - ~~(3) Monitoring each teenage parent's progress and making the necessary changes to improve his/her program.~~
 - ~~(4) Acting as a counselor, colleague, and role model so that each teenage parent has someone to trust and to turn to for advice, guidance, and ideas.~~
 - ~~(5) Providing intensive counseling during all phases of a teenage parent's progress through GAIN.~~
 - ~~(6) Ensuring that each teenage parent understands the consequences of not returning to school as required by GAIN.~~

~~HANDBOOK ENDS HERE~~

- ~~.761 Case managers assigned to assist teenage parents shall possess an expertise in understanding the education, training, and other social and health service needs of teenage parents, as well as the local programs that provide these services.~~
- ~~.762 Case managers assigned to assist teenage parents shall be afforded sufficient time to provide the needed education and supportive services.~~
- ~~.763 Case managers shall make reasonable efforts to contact and counsel teenage parents who they believe are in danger of failing or refusing to comply with program requirements without good cause and shall inform the teenage parent of the consequences of noncompliance. (See Section 42-781.1.) Case managers shall make reasonable efforts to secure a face-to-face meeting with the teenage parent before a cause determination is made.~~

- ~~.764 Sections 42-772.761, .762, and .763 shall not be operative when the Cal-Learn Program as described in Sections 42-762 through 42-769 is operative.~~
- ~~.77 Counties shall be permitted to contract for the provision of case management services specified in Section 42-772.76. Agencies with which the county may contract shall be limited to public or nonprofit agencies that administer services under the Adolescent Family Life Program (as authorized by Article 3.2 [commencing with Section 309.100] of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code), school districts, or other public or nonprofit agencies approved by the department.~~
- ~~.771 Contracting with an Adolescent Family Life Program shall be deemed to fulfill the case management requirements of Section 42-772.76.~~
- ~~.772 If a county chooses to contract for case management services, the county shall maintain one or more liaison staff members who have expertise in the special needs of teenage parents.~~
- ~~.773 Sections 42-772.77, .771, and .772 shall not be operative when the Cal-Learn Program as described in Sections 42-762 through 42-769 is operative.~~
- ~~.78 A teenage parent who is required to participate in GAIN, and who fails or refuses to comply with program requirements, shall be subject to the conciliation and sanction provisions of Sections 42-781 and 42-786.~~
- ~~.781 If the teenage parent is not emancipated and is living with his/her parent(s) or legal guardian, the parent(s) or legal guardian shall also be notified of the teenage parent's failure or refusal to comply with program requirements, as specified in Sections 42-781.213, .512 and .812.~~
- ~~.79 Upon completion of the educational activity, the following participation requirements apply:~~
- ~~.791 When the Cal-Learn Program as described in Sections 42-762 through 42-769 is operative, the provisions of Sections 42-772.792 and .793 shall not apply to individuals who have earned a high school diploma or its equivalent while participating in the Cal-Learn Program.~~
- ~~.792 If the age of the participant's youngest child is under age three, no further participation is required.~~

HANDBOOK BEGINS HERE

- (a) ~~These parents should be encouraged to volunteer.~~

HANDBOOK ENDS HERE

- ~~.793 If the age of the participant's youngest child is three through five, and child care is available, participation in the appropriate component consistent with the normal GAIN program flow is required, but cannot be required for more than 20 hours per week.~~
- ~~.794 If the age of the participant's youngest child is age six or over, participation in the appropriate component in the normal GAIN program flow is required.~~
- ~~.795 Notwithstanding the provisions of Sections 42-772.792, .793, and .794, if the participant is the parent in an AFDC-U case who is required to participate, participation in the appropriate component in the normal GAIN program flow is required, except as provided in Section 42-775.~~
- ~~.8 If unsubsidized employment is not obtained upon completion of the activity(ies) specified in the participant's employment plan and contract, including any plan that provides for a self-initiated program approved under Section 42-772.311 or .4, the participant shall be assigned to job search services for a period not to exceed the limits set in Section 42-730.27. These services may include any of the services described in Section 42-730.2 that the CWD determines are appropriate to the participant's needs.~~
- ~~.81 The CWD may also require participation in job search in accordance with Section 42-772.8 when the participant has not completed the employment plan under the following circumstances:~~
- ~~.811 The participant has reached the two-year limit in Section 42-772.32 or .41 and has exhausted, or is not eligible for, the six-month extension.~~
- ~~.812 The participant is not subject to Section 42-772.1 and has been reassigned to job search pursuant to an evaluation in accordance with Section 42-773.2.~~
- ~~.813 The participant has been assigned to job search pursuant to a conciliation plan in accordance with Section 42-781.72, or to cure a sanction in accordance with Section 42-786.25.~~
- ~~.82 A participant who has not yet received an assessment and has not obtained unsubsidized employment upon completion of the period of job search required by Section 42-772.8, shall be referred to assessment (see Section 42-773.1). The assessment shall be used to develop an amended employment plan including any activity(ies) necessary to achieve the participant's employment goal, which shall be assigned in accordance with Section 42-772.3 and reflected in the contract as required~~

~~in Section 42 772.25.~~

- ~~.83 A participant who has already had an assessment and has not obtained unsubsidized employment upon completion of the period of job search required by Section 42-772.8 shall be referred to reappraisal in accordance with Section 42 774.~~

Authority cited: ~~Sections 10553, 10554, and 10604, Welfare and Institutions Code.~~

Reference: ~~Sections 11320.3(b)(6)(B), (d) and (e), 11325.22, 11325.23, 11325.25, 11325.4(a), 11326(d)(1) and (d)(2), 11330, 11330.1, 11330.2, 11330.4, 11330.5, 11330.6, 11330.8, 11330.10, 11330.11, 11331.5, 11332.7(b) and 11334, Welfare and Institutions Code; and Amendment to the Federal Terms and Conditions for the California Work Pays Demonstration Project (CWPD) as approved by the United States Department of Health and Human Services on September 11, 1995.~~

Repeal Section 42-773:

~~42-773~~ ASSESSMENT AND EVALUATION

~~42-773~~

- ~~.1~~ Upon referral to assessment, the participant shall work with the CWD, or agency contracting with the CWD, to develop and agree on an employment plan as required in Section 42-772.22 or .81.
- ~~.11~~ The assessment shall include at least the following:
 - ~~.111~~ The participant's work history, including employment skills, knowledge, and ability.
 - ~~.112~~ The participant's educational history and present educational competency level.
 - ~~(a)~~ The appropriate testing instrument(s), as determined by the county, shall be used to determine if the participant lacks basic literacy, mathematics, or English language skills unless the test(s) have already been administered at appraisal.
 - ~~.113~~ The participant's need for supportive services in order to maximize benefits from the employment and training services.
 - ~~.114~~ The participant's employment goals, and an evaluation of the chances to achieve the goals given the participant's current and potential skills and the local labor market conditions.
 - ~~.115~~ Identification of a goal to be attained upon completion of the program, the time it will take to achieve the goal, and the resources available to attain the goal.
- ~~.12~~ The CWD shall be permitted to contract with any outside parties, including, but not limited to, local education agencies and service delivery areas, to provide this service.
- ~~.13~~ The assessment shall be conducted by a person qualified by education or experience, preferably with a Master's Degree in an employment counseling related field, to provide counseling, guidance, assessment, or career planning. Minimum qualifications shall be as specified in either Section 42-773.131 or .132:
 - ~~.131~~ Graduation from an accredited college, including completion of at least 15 semester units in counseling preparation, of which at least three units must be in the area of career planning. The remaining 12 units must be in the areas of career planning, guidance principles and techniques, personality development, occupational and industrial information, tests and measurements, or other

~~courses relating to counselor preparation; or~~

- ~~.132 Two years of counseling experience, including at least 50 percent vocational counseling in a variety of occupational fields, and 15 semester units as specified in Section 42 773.131.~~
- ~~.14 For counties that are subject to State Personnel Board standards and elect to hire local agency employees to perform assessments, minimum qualifications for assessors shall be consistent with Sections 42 773.13 through .132 as determined by the State Personnel Board in accordance with Government Code Sections 19800 et seq. and Local Agency Personnel Standards (California Code of Regulations, Title 2, Division 5).~~
- ~~.15 If the CWD is unable to find or use persons to conduct the assessment who meet the qualifications specified in Section 42 773.13 or .14, the CWD shall provide the following information in the county plan:~~
 - ~~.151 Why the qualifications cannot be met;~~
 - ~~.152 What the proposed minimum qualification requirements are for the persons who will be performing the assessments; and~~
 - ~~.153 How, and over what time period, the persons selected to perform the assessments will acquire the qualifications specified in Section 42 773.132.~~
- ~~.16 If the participant and the assessor are unable to reach agreement on developing an employment plan, the CWD shall refer the matter for an independent assessment by an impartial third party with career planning experience, who has been designated by CDSS to perform this function.~~
 - ~~.161 This third party assessment shall be binding upon the CWD and the participant and shall be used to develop the appropriate employment plan for the participant.~~

HANDBOOK BEGINS HERE

- ~~.162 No state hearing shall be granted regarding the development of an employment plan until an independent assessment has been performed.~~

HANDBOOK ENDS HERE

- ~~.2 A participant with a suspected learning or medical problem, as indicated by information received during appraisal or assessment or by lack of satisfactory progress in an assigned program component, shall be evaluated to determine whether the individual is unable to successfully complete or benefit from a current or proposed program assignment.~~

- ~~.21 As part of the evaluation, the CWD may require the individual to undergo the appropriate examinations to obtain information regarding the individual's learning and physical abilities.~~
- ~~.22 Based on the results of the evaluation, the CWD may refer the individual to any of the following, as appropriate:~~

 - ~~.221 The participant's previously assigned activity.~~
 - ~~.222 Existing special programs that meet specific needs of the individual.~~
 - ~~.223 Job search services, if the county determines the individual has the skills needed to find a job in the local labor market.~~
 - ~~.224 Assessment, as described in Section 42-773.1, or reappraisal, as described in Section 42-774, and subsequent assignment to job search, education, or training as necessary and appropriate.~~
- ~~.23 The participant shall be involved in the decisions made during the progress evaluation and shall have appeal rights consistent with those accorded to all program participants.~~
- ~~.3 The provisions of Section 42-773 shall not apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative.~~

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections ~~11325.25 and 11325.4~~, Welfare and Institutions Code; ~~45 CFR 250.32(a)(3) and 45 CFR 250.41~~.

Repeal Section 42-774:

~~42-774 REAPPRAISAL~~

~~42-774~~

- ~~.1 The county shall conduct a reappraisal of any participant who does not obtain unsubsidized employment through the job search services required by Section 42-772.8 unless the participant must be referred to an assessment as required in Section 42-772.82.~~
- ~~.11 The reappraisal shall evaluate whether there are extenuating circumstances, as specified in Sections 42-774.111 through .115, that prevent the participant from obtaining employment within the local labor market area with the education and training previously received. The CWD may request verification of the extenuating circumstance.~~
 - ~~.111 The occupation for which training or education services were received is no longer in demand in the local labor market.~~
 - ~~.112 The participant has experienced a change in his/her physical or mental condition or in his/her family circumstances which precludes employment in the occupation for which training or education services were received.~~
 - ~~.113 The participant has moved to a county in which the occupation for which training or education services were received is not in demand in the local labor market.~~
 - ~~.114 The participant is unable to obtain needed licenses or approvals.~~
 - ~~.115 At the discretion of the CWD, and as documented in the case file, any substantial and compelling reason other than those specified in this section.~~
- ~~.12 Upon a determination that extenuating circumstances exist, as specified in Sections 42-774.111 through .115, the participant shall be assigned, in accordance with Section 42-772.3, to receive additional training and/or education services, as the county determines to be appropriate and necessary.~~
 - ~~.121 The participant contract shall be revised as required in Section 42-771 to reflect appropriate and necessary changes to the employment plan.~~
 - ~~.122 The amended employment plan may be developed during the reappraisal; a referral to assessment is not required.~~
- ~~.13 Upon determination that no extenuating circumstances exist, and until this determination is reversed, the participant shall only receive work experience and job search services and shall be required to participate as follows:~~

~~.131 PREP or AWEX assignment (see Sections 42-730.32 and .33).~~

- ~~(a) The participant shall continue to seek employment during the PREP or AWEX assignment in accordance with Section 42-730.326 or .335, respectively.~~
- ~~(b) A county that is operating under a cost reduction plan in accordance with Section 42-720.62 may limit participation in PREP and/or AWEX to one year.~~

~~.132 Job search services as described in Section 42-730.2 for a period not to exceed eight weeks per year.~~

HANDBOOK BEGINS HERE

- ~~(a) Consistent with the employment plan, the participant is assigned to a vocational training assignment. Upon completion of the assignment, the participant does not obtain employment; there are no extenuating circumstances. The only services this participant is entitled to receive are PREP or AWEX and job search services.~~
- ~~(b) Consistent with his employment plan, the participant is assigned to ABE, followed by OJT. Upon completion of the OJT assignment, the participant is unable to obtain employment in the field for which he was trained due to a change in his physical condition.~~

~~Because there are extenuating circumstances, the participant is eligible to receive additional training and/or education services needed to obtain employment.~~

HANDBOOK ENDS HERE

~~.14 A PREP or AWEX assignment as described in Section 42-774.131 shall meet the requirements of Section 42-774.15 if the participant meets all of the following criteria:~~

- ~~.141 The participant does not meet deferral or exemption criteria as specified in Sections 42-761.3 and 42-788, respectively.~~
- ~~.142 The participant is unemployed or employed for less than 15 hours per week.~~
- ~~.143 The participant has received AFDC payments for 22 of the last 24 months.~~

- ~~.15 A participant who meets the criteria in Section 42 774.14 shall be required to participate at least 100 hours per month in a PREP or AWEX assignment that is appropriate to the participant's skills and abilities.~~
- ~~.151 The hours of participation in a PREP assignment shall exceed 100 hours per month if required by the provisions of Section 42 730.322.~~
- ~~.152 The PREP or AWEX assignment shall be reviewed in accordance with Section 42 730.324 or .333, as applicable, and shall include an evaluation of whether extenuating circumstances, as specified in Sections 42 774.111 through .115, have developed.~~

HANDBOOK BEGINS HERE

- ~~(a) Example: The participant has completed all activities in her employment plan but is unable to find employment. The determination is made that there are no extenuating circumstances. Further, this participant is not eligible to be exempt nor deferred and has received aid for 22 of the last 24 months. The total of the computation of hours based on the formula in Section 42 730.322 is less than 100 hours. She must participate in a PREP assignment for 100 hours per month.~~
- ~~(b) Example: A participant with primary responsibility for the care of a two-year-old child has completed the activities in her employment plan while voluntarily participating in GAIN, but she is unable to find employment. It is determined that there are no extenuating circumstances, and the participant has received aid for 22 of the last 24 months. The total of the computation of hours based on the formula in Section 42 730.322 is less than 100 hours. She is not required to participate in a PREP assignment for at least 100 hours per month because she meets an exemption criterion.~~

HANDBOOK ENDS HERE

- ~~.2 The provisions of Section 42 774 shall not apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42 762 through 42 769 when that Program is operative.~~

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11325.21, 11325.22, and 11326, Welfare and Institutions Code; and Amendment to the Federal Terms and Conditions for the California Work Pays Demonstration Project approved by the United States Department of Health and Human Services on September 11, 1995.

Repeal Section 42-775:

~~42-775 GAIN PARTICIPATION REQUIREMENTS FOR AFDC U PARENTS 42-775~~

- ~~.1 Notwithstanding the provisions of Sections 42-772.4 and .8 one parent in a family eligible for aid due to the unemployment of the principal earner shall be required to participate as specified in this section.~~
 - ~~.11 The requirements of Section 42-775 are met if one parent in the family is in unsubsidized employment for an average of 16 or more hours per week while she/he is deferred or exempt from GAIN participation for any reason.~~
- ~~.2 Following registration and appraisal, described in Sections 42-760 and 42-761, the parent subject to the provisions of this section shall be required to participate in an employment activity as specified in Section 42-775.3.~~
 - ~~.21 If, based on the appraisal, the county is unable to determine the appropriate employment activity, the parent shall be referred to assessment and development of an employment plan as described in Section 42-773.1.~~
 - ~~.211 The county's criteria for determining when assessment is appropriate shall be subject to approval by CDSS.~~
- ~~.3 Upon completion of appraisal or assessment, as appropriate, the parent shall be required to participate in at least one of the following employment activities for an average of at least 16 hours per week:~~
 - ~~.31 Preemployment preparation (PREP) as described in Section 42-730.32.~~
 - ~~.311 If the required number of PREP participation hours, determined in accordance with Section 42-730.322, is less than 16 hours per week, participation for the required number of PREP hours will satisfy the 16-hour per week requirement.~~
 - ~~.32 On-the-job training (OJT) as described in Section 42-730.34.~~
 - ~~.33 Any activity funded by grant diversion as specified in Sections 42-730.34, .35, .36 and .4.~~
 - ~~.34 Unsubsidized employment of 16 or more hours per week.~~
 - ~~.341 Unsubsidized employment of fewer than 16 hours per week may be combined with an employment activity or activities specified in this section.~~

- ~~.35 An AWEX component as described in Section 42-730.33.~~
- ~~.4 Notwithstanding any other provision of Chapter 42-700, concurrent participation in an employment activity listed in Section 42-775.3 and any other program activity may be required as needed to meet the participant's employment goal.~~
- ~~.41 Except as specified in Section 42-775.5, participation in an activity other than those specified in Section 42-775.3 shall not count toward the 16-hour per week requirement.~~
- ~~.42 For purposes of cause determination, conciliation and sanctions (Sections 42-781 and 42-786), participants shall participate and maintain satisfactory progress in each assigned activity.~~
- ~~.43 Concurrent participation may be required if it is appropriate to the participant's abilities, consistent with the participant's employment plan, and the activities can be concurrently scheduled.~~
- ~~.44 Combined hours of participation in all assigned activities, including independent job search as required by Section 42-730.326 or .335, shall not exceed 40 hours per week.~~
- ~~.5 For parents under age 25 who do not possess a high school diploma or equivalent, participation in education activities as described in Section 42-730.51 may be required in lieu of the activities specified in Section 42-775.3.~~
- ~~.51 For purposes of Section 42-775.5, participants who maintain satisfactory progress in the educational activity, as specified in Section 42-772.34, shall satisfy the 16-hour per week requirement.~~
- ~~.511 If, in accordance with Section 42-773.2, an evaluation determines that the parent is unable to maintain satisfactory progress, he/she shall be referred to one of the following:~~
- ~~(a) a different educational program which meets the special needs of the participant and is consistent with the employment goal;~~
- ~~(b) reassessment; or,~~
- ~~(c) an employment activity described in Section 42-775.3.~~
- ~~.52 Notwithstanding any other provision of Chapter 42-700, concurrent participation in an educational activity pursuant to Section 42-775.5 and an employment activity described in Section 42-775.3 or any other program activity may be required.~~

- ~~.521 Only the hours of participation in an educational activity described in Section 42-775.5 and an employment activity described in Section 42-775.3 shall count toward the 16-hour per week requirement.~~
- ~~.522 For purposes of cause determination, conciliation and sanctions (Sections 42-781 and 42-786), participants shall participate and maintain satisfactory progress in each assigned activity.~~
- ~~.523 Concurrent participation may be required if it is appropriate to the participant's abilities, consistent with the participant's employment plan, and the activities can be concurrently scheduled.~~
- ~~.524 Combined hours of participation in all assigned activities, including independent job search as required by Section 42-730.326 or .335, shall not exceed 40 hours per week.~~
- ~~.53 When a parent participating in an educational activity defined in Section 42-775.5 attains age 25 during a semester or quarter, only participation for that semester or quarter shall satisfy the 16-hour per week requirement.~~
- ~~.531 Participation in the educational activity may continue beyond the semester or quarter provided the parent is participating in accordance with Section 42-775.3 or his/her spouse is participating in accordance with Section 42-775.3 or .5.~~
- ~~.6 For purposes of this section, the participant's hours of participation may be averaged over a one-month period so that the average equals or exceeds 16 hours per week for that month.~~
- ~~.7 The provisions of Section 42-775 shall not apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative.~~

Authority cited: Sections 10553, 10554, 10604, and 11325.2(c)(9), Welfare and Institutions Code.

Reference: Sections 11322.8, 11325, 11325.22(f) and (h), and 11327.4(a), Welfare and Institutions Code; 45 CFR 250.33; 45 CFR 250.41; 45 CFR 250.60(d); 45 CFR 250.74(c)(1); 42 U.S.C. 603(l)(4)(A) and (B); JOBS ACF-AT-93-7; and JOBS ACF-AT-94-3.

Repeal Section 42-781:

~~42-781 CAUSE DETERMINATIONS AND CONCILIATION~~

~~42-781~~

- ~~.1 Before sanctions (Section 42-786) are applied, the CWD shall determine if there is good cause and attempt to resolve the problems when an individual who is required to enter into a participant contract or who volunteers to participate in the program fails or refuses to comply with program requirements.~~
- ~~.11 Failing or refusing to comply with program requirements is limited to:~~
- ~~.111 Failing or refusing to enter into a participant contract.~~
- ~~(a) An exempt individual who volunteers to participate shall not be subject to the provisions of Sections 42-781, 42-782, 42-783, 42-786.71 or 42-786.72 prior to entering into the initial contract.~~
- ~~.112 Failing or refusing to participate or provide required proof of satisfactory progress in any assigned program activity.~~
- ~~(a) For purposes of this section, "any assigned program activity" includes, but is not limited to, orientation, any of the job search, education or training activities identified in Section 42-730, an approved self-initiated program described in Section 42-772.4, or an appraisal, assessment, or reappraisal appointment.~~
- ~~.113 Failing or refusing to accept a job offer or a job referral.~~
- ~~.114 Terminating employment~~
- ~~(a) This includes an individual who is non-exempt, who becomes employed for 30 or more hours per week after receiving written notice of registration as specified in Section 42-760.4 and who remains on aid. Such individual shall be considered to have failed or refused to comply with program requirements if he/she terminates the employment without good cause.~~
- ~~.115 Reducing earnings~~
- ~~.12 The provisions of Section 42-781 shall not apply to teen parents who are subject to the Cal Learn Program as described in Section 42-762 through 42-769 when that Program is operative.~~
- ~~.2 The CWD shall give the individual an opportunity to demonstrate that he/she had good cause for the failure or refusal to comply with program requirements.~~

~~.21 The CWD shall send the individual a written appointment notice to meet and discuss the reason(s) for the failure or refusal. The CWD shall make reasonable efforts to send this notice at least six working days prior to the scheduled interview. The interview for determination of cause shall be scheduled to occur within ten working days of the discovery of the refusal or failure.~~

~~.211 The notice shall contain the following information:~~

- ~~(a) A statement that the interview is to determine if the individual had good cause for not complying with program requirements.~~
- ~~(b) A description of the program requirement(s) with which the individual failed or refused to comply.~~
- ~~(c) A statement that the individual has the right to demonstrate why he/she failed or refused to comply with program requirements.~~
- ~~(d) The date, time and location of the scheduled interview.~~
- ~~(e) A statement that transportation and child care services are available if needed in order to attend the interview.~~
- ~~(f) A listing of what may constitute good cause for failing or refusing to comply with program requirements.~~
- ~~(g) A statement that, after the cause determination has been made, the individual has the right to a conciliation period that shall not exceed 20 calendar days if the CWD finds that the failure or refusal to comply with program requirements was without good cause.~~
- ~~(h) The individual's right to reschedule the cause determination interview once, provided the request for reschedule is made prior to or within one working day following the scheduled interview.~~
- ~~(i) A statement that the individual's failure to either attend the cause determination interview or reschedule this interview shall result in a cause determination in his/her absence, based on available information.~~
- ~~(1) The notice shall explain that if a determination of no good cause is made in the individual's absence, the individual shall be subject to sanctions unless he/she contacts the county to establish good cause or reach agreement on a conciliation plan as specified in Section 42-781.41.~~

- (j) ~~The names, telephone numbers, and addresses of the local legal services office and welfare rights office, or the Coalition of California Welfare Rights Organizations if there are no welfare rights or legal aid offices in the county, which could assist the individual with the cause determination and with conciliation.~~
 - (k) ~~The consequences of the individual's failure to resolve the dispute by the end of the 20-calendar-day conciliation period.~~
- ~~.212 At the time of the cause determination interview the CWD shall review with the individual his/her rights, duties, and responsibilities as described in Section 42-760.4.~~
- ~~.213 If the individual who fails or refuses to comply with program requirements is an unemancipated 16 or 17-year-old custodial parent as described in Section 42-772.73 who lives with his/her parent(s) or legal guardian, the CWD shall also send a notice to the individual's parent(s) or legal guardian.~~
- ~~The parent(s) or legal guardian shall be allowed to attend any meetings between the CWD and the teenage parent that are designed to encourage the noncooperating teenage parent to participate.~~
- ~~.22 If the individual contacts the worker prior to or within one working day following the scheduled interview to request a rescheduling, the individual shall be permitted one reschedule of the cause determination interview. This rescheduled interview shall take place within five working days of the initially scheduled appointment, unless delayed by extenuating circumstances.~~
- ~~.23 The CWD shall be permitted to conduct telephone interviews to accomplish the cause determination if the CWD determines it is appropriate and the individual agrees.~~
- ~~.24 If the individual does not keep the appointment for the cause determination interview or otherwise contact the CWD, a cause determination shall be made from available information.~~
- ~~.25 A cause determination shall be made within 15 working days from the date of the discovery of the failure or refusal to comply with program requirements, unless delayed by extenuating circumstances which shall include:~~
- ~~.251 Delay of the initial cause determination interview required in Section 42-781.21 due to insufficient time to issue the notice required in that section at least six working days prior to the scheduled interview.~~

- ~~.3 If the CWD determines, based on the criteria specified in Section 42-782, that good cause existed for the failure or refusal to comply with program requirements, the county shall notify the individual in writing of this determination and, as necessary:~~
- ~~.31 Determine if the problem causing noncompliance has been resolved and the individual can immediately resume participation without further action.~~
 - ~~.32 Identify and arrange for additional supportive services that will allow for participation in a program component.~~
 - ~~.33 Determine with the individual if participation in another component would be appropriate.~~
 - ~~.34 Determine if temporary deferral is appropriate (Sections 42-761.3 and .4).~~
 - ~~.35 Determine if exemption is appropriate (Sections 42-789 through 42-799).~~
 - ~~.36 Amend the participant contract as appropriate.~~
- ~~.4 If the individual fails to respond to the cause determination appointment notice and the CWD determines that no good cause existed for the failure or refusal to comply with program requirements, the CWD shall issue a notice to impose sanctions in accordance with Sections 42-781.41 and 42-786.~~
- ~~.41 The notice shall inform the individual that a 20-calendar-day period of conciliation has begun and that sanctions will be imposed, unless the individual contacts the county and either establishes good cause for the noncompliance or reaches agreement on a conciliation plan within 20-calendar days from the date the notice required by Section 42-781.4 is issued. The notice shall be issued within ten working days of the no good cause determination, unless delayed by extenuating circumstances.~~
 - ~~.411 The notice required by Section 42-781.4 shall be issued at least 20-calendar days prior to the effective date of the sanction and shall contain all of the following:~~
 - ~~(a) A statement that the individual has been determined to be without good cause for the failure or refusal to comply with program requirements.~~
 - ~~(b) A description of the program requirement(s) with which the individual failed or refused to comply.~~
 - ~~(c) A statement that the individual is being sanctioned for his/her failure to comply with program requirements.~~
 - ~~(d) A statement that the individual can avoid being sanctioned if he/she~~

contacts the CWD within 20 calendar days from the date the notice required by Section 42-781.4 is issued and does one of the following:

- (1) ~~Presents evidence which leads to a reversal of the no good cause determination; or~~
- (2) ~~Agrees to fulfill the terms of a written conciliation plan.~~
- (e) ~~A statement that the individual has entered a period of conciliation that shall not exceed 20 calendar days from the date the notice required by Section 42-781.4 is issued.~~
- (f) ~~A statement that transportation and child care services are available if needed in order to meet with the county to present good cause evidence or agree on a conciliation plan.~~
- (g) ~~A proposed conciliation plan which outlines the terms under which those who choose to participate may begin or resume program participation and bring the conciliation process to an end.~~
- (h) ~~The individual's right to offer a counter proposed conciliation plan, which the CWD may approve in whole or in part.~~
- (i) ~~The names, telephone numbers, and addresses of the local legal services office and welfare rights office, or the Coalition of California Welfare Rights Organizations if there are no welfare rights or legal aid offices in the county, which could assist the individual with conciliation.~~
- (j) ~~The date the sanction is scheduled to take effect if the individual fails to resolve the dispute.~~

~~.42~~ If the individual contacts the CWD as specified in Section 42-781.41, the following requirements shall apply.

~~.421~~ If the individual submits information which leads to a reversal of the no good cause determination, the CWD shall issue a written notice which sets forth the determination of good cause and informs the individual that conciliation has been terminated. The CWD shall take necessary steps to assist the individual to resume participation in accordance with Sections 42-781.31 through .36.

~~.422~~ If the determination of no good cause is upheld, but the individual expresses a willingness to comply, the CWD shall conduct conciliation. Conciliation requirements at Sections 42-781.5 through 42-781.9 shall apply with the following exceptions:

- (a) ~~The conciliation appointment notice identified at Section 42-781.51 is not required.~~
 - (b) ~~Conciliation shall begin on the date the notice required by Section 42-781.4 is issued.~~
- ~~.423~~ If the individual contacts the county and schedules a conciliation appointment, but fails to attend or reschedule the appointment, the CWD shall attempt to contact the individual by telephone or in writing, if necessary, to attempt to determine why the appointment was not kept.
- ~~.43~~ If the individual fails to contact the CWD as specified in Section 42-781.41, he/she shall be considered to have failed conciliation and a sanction shall be imposed in accordance with Section 42-786. The sanction shall take effect on the first day of the first payment month following the end of the 20-calendar-day period identified in Section 42-781.41.
- ~~.5~~ If the individual participates in the cause determination process and the CWD determines that no good cause existed for the failure or refusal to comply with program requirements, the CWD shall conduct conciliation.
- ~~.51~~ The CWD shall schedule an appointment at which the CWD and the individual shall attempt to reach agreement on program participation and resolve any problems that are contributing to the failure or refusal to comply with program requirements. The CWD shall issue a written notice informing the individual of the results of the good cause determination and of the conciliation appointment. The notice shall be issued within five working days of the cause determination, unless delayed by extenuating circumstances. The 20-calendar-day conciliation period begins on the date the CWD issues the notice informing the individual of the conciliation appointment.
- ~~.511~~ The notice that begins conciliation shall be issued at least six working days prior to the scheduled appointment and shall contain all of the following:
 - (a) ~~A statement that the individual has been determined to be without good cause for the failure or refusal to comply with program requirements.~~
 - (b) ~~A description of the program requirement(s) with which the individual failed or refused to comply.~~
 - (c) ~~A statement that the individual has entered into a period of conciliation that shall not exceed 20 calendar days.~~
 - (d) ~~The date, time and location of the scheduled conciliation appointment.~~
 - (e) ~~The individual's right to reschedule the conciliation appointment once.~~

- (f) ~~A statement that transportation and child care services are available if needed in order to attend the appointment.~~
- (g) ~~A statement that the purpose of the appointment is to attempt to resolve any problems which have contributed to the noncompliance and to reach agreement on program participation.~~
- (h) ~~A proposed conciliation plan which outlines the terms under which the individual may begin or resume program participation and bring the conciliation process to an end.~~
- (i) ~~The individual's right to offer a counter-proposed conciliation plan, which the CWD may approve in whole or in part.~~
- (j) ~~The names, telephone numbers, and addresses of the local legal services office and welfare rights office, or the Coalition of California Welfare Rights Organizations if there are no welfare rights or legal aid offices in the county, which could assist the individual with conciliation.~~
- (k) ~~The consequences of the individual's failure to resolve the dispute by the end of the 20 calendar day conciliation period.~~

~~.512 If the individual who fails or refuses to comply with program requirements is an unemancipated 16 or 17 year old custodial parent as described in Section 42-772.73 who lives with his or her parent(s) or legal guardian, the CWD shall also send a notice to the individual's parent(s) or legal guardian.~~

~~The parent(s) or legal guardian shall be allowed to attend any meetings between the CWD and the teenage parent that are designed to encourage the noncooperating teenage parent to participate.~~

~~.513 The appointment for conciliation specified in Section 42-781.51 may be held immediately following the cause determination interview specified in Section 42-781.21 if both of the following conditions are met:~~

- (a) ~~Both the individual and the CWD agree to this arrangement; and~~
- (b) ~~The notice required in Section 42-781.51 is issued before the conciliation appointment begins.~~

~~.52 If the individual contacts the worker to request a rescheduling, the individual shall be granted one reschedule of the conciliation appointment.~~

~~.53 The CWD shall be permitted to conduct the conciliation appointment by telephone if the CWD determines it is appropriate and the individual agrees.~~

- ~~.54 Any issue that directly affects the individual's failure or refusal to comply with the program requirements under consideration may be discussed during conciliation. This includes providing further information demonstrating good cause for the failure or refusal to comply with program requirements.~~
- ~~.541 Those who attend the conciliation appointment or are otherwise contacted by the CWD during conciliation shall be informed of the right to request that a supervisor review the determination of no good cause.~~
- ~~.542 If, as a result of a supervisor's review and/or the individual's provision of additional information, the determination of no good cause is reversed, the CWD shall issue a written notice which sets forth the determination of good cause and informs the individual that conciliation has been terminated. The CWD shall take necessary steps to assist the individual to resume participation in accordance with Sections 42-781.31 through .36. The CWD shall also issue a written notice when a determination of no good cause is upheld by a supervisor.~~
- ~~.6 The conciliation period shall not exceed 20 calendar days.~~
- ~~.61 Either the individual or the CWD shall be permitted to terminate conciliation before the end of the 20 calendar day period if one of the following conditions is met:~~
- ~~.611 Both the individual and the CWD agree, in writing, to terminate conciliation.~~
- ~~.612 The determination of no good cause is reversed.~~
- ~~.613 The individual successfully fulfills the terms of the conciliation plan.~~
- ~~.62 An extension of the conciliation period for 10 calendar days shall be available upon agreement in writing by the individual and the CWD only if both of the following conditions are met:~~
- ~~.621 The individual has made a reasonable effort to conciliate during the initial 20 calendar day period and significant progress has been made toward a resolution of the dispute; and~~

- ~~.622 The CWD believes that an additional 10 calendar days of conciliation is likely to lead to agreement between the individual and the CWD on a conciliation plan.~~
- ~~.63 When the noncomplying individual is a parent in a family whose sole basis of deprivation is the unemployment of the principal earner and the spouse or second parent is not participating in GAIN, the spouse or second parent shall be notified in writing of his/her opportunity to participate in GAIN. The notice shall explain the impact of his/her participation on any financial sanction and shall be issued when the noncomplying parent is notified in accordance with Section 42-781.4 or .5, as appropriate.~~
- ~~.631 If the spouse or second parent is under his/her own sanction at the time of the notice required in Section 42-781.63, the spouse or second parent shall be informed that he/she cannot participate until his/her sanction has been cured or completed.~~
- ~~.64 If the spouse or second parent does not choose to participate, he/she shall be subject to any financial sanction imposed on the noncomplying parent in accordance with Sections 42-786.2 and 42-786.314.~~
- ~~.65 The spouse or second parent shall be allowed to choose to participate at any time, including following the imposition of financial sanctions.~~
- ~~.66 Regardless of whether a spouse or second parent would otherwise be excluded due to a County's priority for providing services (Section 42-720.6), a spouse or second parent who chooses to participate shall be allowed to do so.~~
- ~~.7 When, during the period of conciliation, the individual and the CWD reach agreement on program participation, a written conciliation plan which reflects this agreement shall be entered into and signed by the individual and the CWD. If the individual subsequently fulfills the terms of the conciliation plan, conciliation shall be considered successful.~~
- ~~.71 The conciliation plan shall specify that the individual must complete the agreed upon activity(ies) or participate for a period of three months, whichever is shorter. Agreed upon activities are limited to the following:~~
- ~~.711 Attending orientation, appraisal, assessment, or reappraisal activities.~~
- ~~.712 Signing the participant contract(s).~~
- ~~.713 Participating or providing required proof of satisfactory progress in a program component(s) specified in Section 42-730.~~

~~.714 Accepting a job offer or job referral which is consistent with the employability plan.~~

~~.715 Participating as necessary to remedy termination of employment or reduction of earnings.~~

~~.72 The conciliation plan for an individual who fails without good cause to comply with the terms of an approved self-initiated program in accordance with Sections 42-772.452, .453, or .455 shall require participation in job search services as specified in Section 42-772.8.~~

HANDBOOK BEGINS HERE

~~.73 Where possible, the conciliation plan should reflect the act of noncompliance which brought about the need for conciliation (see Section 42-781.1).~~

HANDBOOK ENDS HERE

~~.8 If the individual subsequently fails to fulfill the terms of an agreed-upon conciliation plan as specified in Section 42-781.7, the CWD shall attempt to contact the individual to determine if he/she had good cause for failing or refusing to fulfill the terms of the conciliation plan.~~

~~.81 The CWD shall make reasonable efforts to contact the individual during a period of ten calendar days, beginning with the date the CWD discovered the individual's failure or refusal to comply with the conciliation plan.~~

~~.811 "Reasonable efforts" include, but are not limited to, a written or telephone contact.~~

~~(a) The county shall document in the case file its efforts to contact the individual.~~

~~.812 If the individual who fails or refuses to comply with program requirements is an unemancipated 16 or 17 year old custodial parent as described in Section 42-772.73 who lives with his or her parent(s) or legal guardian, the CWD shall also make a reasonable effort to contact the individual's parent(s) or legal guardian.~~

~~The parent(s) or legal guardian shall be allowed to attend any meetings between the CWD and the teenage parent that are designed to encourage the noncooperating teenage parent to participate.~~

~~.82 If the CWD is unable to contact the individual, the CWD shall make a cause determination in his/her absence, based on available information.~~

~~.83 If the CWD determines that good cause existed for the failure or refusal to fulfill the~~

~~terms of the agreed upon conciliation plan, the CWD shall take necessary steps to assist the individual to begin or resume participation in accordance with the conciliation plan.~~

~~.83+ Nothing in Section 42-781.83 shall preclude deferral or exemption as appropriate (see Sections 42-761.3, 42-761.4, and 42-789 through 42-799).~~

~~.84 If the CWD determines that no good cause existed for the failure or refusal to fulfill the terms of the agreed upon conciliation plan, the individual shall be sanctioned as specified in Section 42-786.~~

~~.9 If, at the end of the 20-calendar day conciliation period, the individual continues to fail or refuse to comply with program requirements, the CWD shall follow the procedures in Section 42-786 for sanctions.~~

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11327.4, 11327.5(c)(1), 11330.10(c), and 11333.7(b)(2)(A), Welfare and Institutions Code; 45 CFR 250.34(a); and FSA JOBS 90-3 (Federal Action Transmittal).

Repeal Section 42-782:

~~42-782 GAIN GOOD CAUSE CRITERIA~~

~~42-782~~

~~.1 Good cause for failing or refusing to comply with program requirements as specified in Section 42-781.1 shall include any of the following:~~

- ~~(a) An assignment, job referral, or job does not meet appropriate work and training criteria, as specified in Section 42-783.~~
- ~~(b) The individual is temporarily ill or incapacitated.~~
- ~~(c) The individual is required to appear in court or is temporarily incarcerated.~~
- ~~(d) The individual is experiencing a family crisis or change of individual or family circumstances, such as any of the following:~~
 - ~~(1) Death of a spouse, parent, or child;~~
 - ~~(2) Illness of a spouse, parent, or child which requires the individual's immediate attention.~~
- ~~(e) Inclement weather or other act of nature precludes travel to the activity.~~
- ~~(f) A breakdown in transportation arrangements occurs with no ready access to alternate transportation.~~
- ~~(g) The individual needs a social service not specifically mentioned in the participant contract but which is required for participation.~~
- ~~(h) The individual refuses to accept major medical services even if the refusal precludes participation in the program.~~
- ~~(i) Licensed or exempt child care is not reasonably available during the individual's hours of training or employment, including commuting time; or child care is needed for a child who meets the criteria of Section 42-750.22, but who does not meet the criteria of Section 42-750.21, and therefore is not eligible for GAIN paid child care.~~
 - ~~(1) "Reasonably available" child care includes having at least two choices of child care arrangements which do not require either of the following:~~
 - ~~(A) Adding more than one half hour one way to the participant's commuting time; or~~
 - ~~(B) The child to transfer to a different school.~~

- (2) ~~The choices of child care shall meet the requirements specified in Section 42-750.31.~~
- (j) ~~A breakdown or interruption of child care arrangements occurs.~~
- (k) ~~Suitable special needs child care is not reasonably available for children with disabilities, chronic illnesses, or other special needs.~~
- (l) ~~An individual is engaged in employment or training that is consistent with the employability objectives of the program, and prior notification and approval from the CWD has been received.~~
- (m) ~~The assignment or job would require an individual who meets the criteria specified in Section 42-772.6 to participate or work more than 20 hours per week.~~
- (n) ~~Any of the deferral criteria specified in Sections 42-761.3 and .4, or the exemption criteria specified in Sections 42-789 through 42-799.~~
 - (1) ~~Notwithstanding Section 42-782.1(n), a person who refuses to pursue the treatment required in Section 42-761.3(b)(1) as a condition for deferral, and who subsequently fails or refuses to comply with program requirements, shall not have good cause for noncompliance on the basis of his/her drug or alcohol dependence.~~
- (o) ~~At the discretion of the CWD, any substantial and compelling reasons other than those specified in this section.~~
- .2 ~~No sanction shall be applied, and no cause determination is required, for any participant who, during a month, is absent or tardy within the provider's standard for absence or tardiness, or if there is no provider standard, who is absent or tardy up to ten percent of the monthly hours required for the component.~~
- .21 ~~Participants shall not be permitted to accumulate unused hours past the end of each month.~~
- .3 ~~For purposes of "terminating employment or reducing earnings", good cause shall include any of the following:~~
 - (a) ~~Any of the criteria specified in Sections 42-782.1 and 42-783.1.~~
 - (b) ~~The individual was forced to retire.~~
 - (c) ~~The individual was laid off or the company cut back staff.~~
 - (d) ~~Relocation of the family, which results in a commute time that exceeds the limits specified in Section 42-783.1(b).~~

- (e) ~~The individual was denied equal employment opportunities.~~
 - (f) ~~The individual was sexually harassed on the job.~~
 - (g) ~~The employer did not:~~
 - (1) ~~Have the appropriate operating licenses as required by federal, state or local ordinances; or,~~
 - (2) ~~Make or withhold the unemployment insurance (UI) or state disability insurance (SDI) contributions as required by law.~~
 - (h) ~~The employment presents a danger of substantial injury or death.~~
 - (i) ~~The individual accepted a job offer even if he/she was not hired by the employer who offered the job.~~
 - (j) ~~At the discretion of the CWD, any substantial and compelling reason other than those specified in this section.~~
- .4 ~~Only those good cause criteria specified in Sections 42-782.1(b), (c), (d), (e), (f), (h), (I), (j), (k) and (o) shall apply as provided in Welfare and Institutions Code Section 11333.7(b)(2)(B) to teen parents who are subject to the Cal Learn Program as described in Sections 42-762 through 42-769 when that Program is operative.~~

Authority cited: ~~Sections 10553, 10554, and 10604, Welfare and Institutions Code.~~

Reference: ~~Sections 11323.2(a), 11325, 11328, 11328.1, and 11333.7(b)(2)(B), Welfare and Institutions Code; 45 CFR 250.35(d); 45 CFR 251.1; and 45 CFR 255.2(a).~~

Repeal Section 42-783:

~~42-783 CRITERIA FOR DETERMINING APPROPRIATENESS OF GAIN 42-783~~
~~WORK AND TRAINING~~

- ~~.1 For determining good cause, an assignment, job referral, job offer, or job is not considered appropriate work or training, as specified in Section 42-782, if it meets any of the following conditions:~~
- ~~(a) Discriminates in terms of age, sex, race, color, religion, national or ethnic origin, physical or mental handicap, political affiliation, or marital status.~~
 - ~~(b) Requires travel between the place of employment or training and one's home that exceeds a total of two hours round trip, or two miles round trip when walking is the only available means of transportation, or requires the individual to remain away from home overnight without his/her consent.~~
 - ~~(1) The limit on travel time and mileage excludes transportation time/mileage to take family members to and from school or care providers.~~
 - ~~(c) Involves conditions and responsibilities that impair the participant's physical or mental health, or tasks that the participant is not capable of performing on a regular basis.~~
 - ~~(d) Involves conditions that are in violation of applicable health and safety standards.~~
 - ~~(e) Is not within the scope of the employment plan as specified in the contract required in Section 42-771.~~
 - ~~(f) The employment or training program position was created in violation of the requirements in Section 42-730.13, .329, or .418 as applicable.~~
 - ~~(g) The employment, offer of employment, or work activity does not provide for worker's compensation.~~
 - ~~(h) Accepting the employment, offer of employment, or work activity would cause the individual to violate the terms of his/her union membership.~~
 - ~~(i) Accepting the employment, offer of employment, or work activity would interrupt an approved education or job training program, or would prevent the individual from returning to his/her regular job within a reasonable period of time, with the following exceptions:~~
 - ~~(1) The training program that would be interrupted is a PREP or AWEX assignment as specified in Section 42-730.32 or .33, respectively.~~

- (2) The job offer provides either of the following:
- (A) Employment and sufficient income to lead to self support, and the job offer is within the scope of the employment plan.
 - (B) Temporary employment while the individual is waiting for reemployment in his/her regular job.
- (j) ~~The employment or offer of employment exceeds the daily or weekly hours of work customary to the occupation.~~
- (k) ~~The participant is not receiving the supportive services specified in the participant contract entered into under Section 42-771.~~
- (l) ~~The offer of employment is at a wage level that results in a net loss of income, as specified in Section 42-784.~~
- (1) ~~The net loss of income provisions specified in Sections 42-783.1(l) and 42-784 shall not apply to teen parents who are subject to the Cal Learn Program as described in Sections 42-762 through 42-769 when that Program is operative.~~

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11328, 11328.1, and 11333.7(b)(2)(B), Welfare and Institutions Code; 45 CFR 251.1 and 45 CFR 251.3.

Repeal Section 42-784:

~~42-784 METHOD OF DETERMINING NET LOSS OF INCOME FOR GAIN 42-784~~
~~GOOD CAUSE CRITERIA~~

- ~~.1 Repealed by Manual Letter No. EAS-87-02, effective 4/6/87.~~
- ~~.2 For purposes of determining good cause under GAIN, net loss of income is considered to occur when current income is greater than the post-employment income would be if the job offer were accepted.~~
- ~~.3 Current income for this section means the person's AFDC grant plus net nonexempt income determined under Section 44-100 for the budget month.~~
- ~~.4 Post-employment income shall be determined as follows:~~
 - ~~.41 Determine what the monthly gross earnings from the job offered would be if the job were accepted.~~
 - ~~.42 From the gross earnings determined in Section 42-784.41, deduct all of the following as if the job had been accepted:~~
 - ~~.421 Mandatory deductions that would be made from the earnings. These include the following:~~
 - ~~(a) Federal, state, and local income taxes;~~
 - ~~(b) Social Security (FICA);~~
 - ~~(c) State Disability Insurance;~~
 - ~~(1) If the employer carries comparable private disability insurance instead of State Disability Insurance, the private disability insurance cost would be deducted;~~
 - ~~(d) Mandatory union dues;~~
 - ~~(e) Mandatory retirement contributions;~~
 - ~~(f) Court-ordered wage garnishments;~~
 - ~~(g) Any other deduction that is both mandatory and legal.~~
 - ~~.422 Child care expenses, including any share of cost for individuals who are eligible for transitional child care (TCC).~~

- (a) ~~Allowable child care expenses shall include actual costs of child care services not to exceed the regional market rate.~~
- (b) ~~To determine the amount of a TCC share of cost, see Section 47-130.~~
- ~~.423 Transportation expenses, as estimated by the participant and in accordance with Sections 42-750.4, .41, .411, .412, .413, and .414.~~
- ~~.43 To the amount determined in Section 42-784.42, add any unearned income that is not exempt under Section 44-111.~~
- ~~.431 For purposes of this subsection, unearned income also includes net nonexempt income from other assistance unit members that is used in computing the aid payment.~~
- ~~.44 If the family would remain eligible for aid, add the amount of cash assistance that would be received if the job were accepted to the amount determined in Sections 42-784.42 and 42-784.43.~~
- ~~.441 Repealed by CDSS Manual Letter No. EAS-94-01, effective 1/1/94.~~

HANDBOOK BEGINS HERE

.5 Examples

- ~~.51 The participant's assistance unit consists of a single mother and two children, one of whom needs child care. The minimum basic standard of adequate care (MBSAC) for a family of three is \$715*; the maximum aid payment (MAP) is \$607. There is no unearned income.~~

~~* All amounts are for illustration purposes only.~~

~~The participant is offered a job that pays \$750 per month, which is insufficient to make the family ineligible for aid, as it does not exceed 185% of MBSAC. Mandatory deductions are estimated to be \$150 per month; child care is estimated to be \$250 per month; and transportation is estimated to be \$100 per month. Because the family remains eligible for aid, the estimated child care cost will be used in the NLI computation as the participant is not eligible for TCC; the participant is eligible for supplemental child care (SCC).~~

————The AFDC grant is calculated as follows:

Gross earnings from job offered	\$750
—Standard work expense disregard	—90
—\$30 disregard	—30
Subtotal	\$630
—One third disregard (of subtotal)	—210
—Child care disregard for one child	—175
+ Unearned income	+0
 TOTAL NET INCOME	 \$245
 MBSAC for a family of three	 \$715
—Net income	—245
 POTENTIAL GRANT	 \$470
 MAP for a family of three	 \$607
 NEW CASH GRANT AMOUNT (lesser of POTENTIAL GRANT and MAP)	 \$470

The calculation for post-employment income, to determine if a net loss of income exists, is:

Current Income	\$607
 Gross earnings from job offered	 \$750
—Mandatory deductions	—150
—Estimated child care	—250
—Transportation	—100
+ Unearned income	+0
+ Cash grant	+470
+ Supplemental child care	+75
 TOTAL POST-EMPLOYMENT INCOME	 \$795

Because the post-employment income of \$795 per month is more than the current income of \$607 per month, the participant would be required to accept the job as it would not result in a net loss of income.

.52 The participant's assistance unit consists of a single mother and three children, all of whom need child care; one child is under two. The MBSAC for a family of four is \$848; the family has no unearned income and receives a MAP of \$723 per month.

The participant is offered a job that pays \$750 per month, which is insufficient to

make the family ineligible for aid, as it does not exceed 185% of MBSAC. Mandatory deductions are estimated to be \$150 per month; child care is estimated to be \$900 per month; transportation is estimated to be \$100 per month. Because the family remains eligible for aid, the participant is not eligible for TCC; therefore, the estimated child care costs will be used in the NLI calculation. The participant is eligible for SCC.

The AFDC grant is calculated as follows:

Gross earnings from job offered	\$750
—Standard work expense disregard	—90
—\$30 disregard	—30
Subtotal	\$630
—One third disregard (of subtotal)	—210
—Child care disregard for three children	** 420
+ Unearned income	+ 0
 TOTAL NET INCOME	 \$ 0
 MBSAC for a family of four	 \$848
—Net income	—0
 POTENTIAL GRANT	 \$848
 MAP for a family of four	 \$723
 NEW CASH GRANT AMOUNT (lesser of POTENTIAL GRANT and MAP)	 \$723

** Although the participant qualified for a child care disregard in the amount of \$550, only \$420 was applied as that was the amount left from the earnings after applying the other disregards.

The calculation for post-employment income, to determine if a net loss of income exists, is:

Current Income	\$723
Gross earnings from job offered	\$750
—Mandatory deductions	-150
—Estimated child care	-900
—Transportation	-100
+ Unearned income	+0
+ Cash grant	+723
+ Supplemental child care	+480
TOTAL POST-EMPLOYMENT INCOME	\$803

Because the post-employment income of \$803 per month exceeds the current income of \$723 per month, the participant is required to accept the job, as there is no net loss of income.

- .53 The participant's assistance unit consists of a single mother and two children, both of whom need child care. The MBSAC for a family of three is \$715; the family is receiving a MAP of \$607 per month and has no unearned income.

The participant is offered a job that pays \$1400 per month, which would make the family ineligible for aid, as it does exceed 185% of MBSAC. The participant is not eligible for TCC because she has not received aid for three of the past six months. Because the family would be ineligible for AFDC, she is also ineligible for supplemental child care. Therefore, estimated child care costs will be used in the NLI calculation. Mandatory deductions are estimated to be \$280 per month; child care is estimated to be \$500 per month; and transportation is estimated to be \$100 per month.

A grant calculation is not required because the family would be ineligible for aid.

The calculation for post-employment income, to determine if a net loss of income exists, is:

Current Income	\$-607
Gross earnings from job offered	\$1400
—Mandatory deductions	-280
—Estimated child care	-500
—Transportation	-100
+ Unearned income	+0
+ Cash grant	+0
TOTAL POST-EMPLOYMENT INCOME	\$-520

~~Because the post-employment income of \$520 per month is less than the current income of \$607 per month, the participant is not required to accept the job as there would be a net loss of income.~~

~~HANDBOOK ENDS HERE~~

~~Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.~~

~~Reference: Section 11328(k), Welfare and Institutions Code; 45 CFR 250.35(c); and 54 FR 42174.~~

Repeal Section 42-786:

~~42-786~~ GAIN SANCTIONS

~~42-786~~

- ~~.1 Financial sanctions shall be applied when a mandatory participant fails or refuses to comply with program requirements without good cause and conciliation efforts have failed.~~
- ~~.2 Financial sanctions shall be applied as follows:~~
 - ~~.21 For purposes of determining the appropriate sanction to apply, an instance of non-compliance without good cause is considered to have occurred when a sanction notice of action has been sent.~~
 - ~~.211 If a sanction is subsequently rescinded, or an individual identified in Section 42-781.4 either demonstrates good cause or fulfills the terms of an agreed upon conciliation plan, the instance of non-compliance is disregarded.~~
 - ~~.212 If an individual identified in Section 42-781.4 signs an agreed upon conciliation plan, but subsequently fails without good cause to fulfill the terms of the plan, only one instance of noncompliance is counted, even though two sanction notices are sent.~~
 - ~~.22 The first instance of noncompliance without good cause shall result in a financial sanction which shall continue until the individual signs a participant contract or participates in the required activity(ies) in which he/she previously refused to participate.~~
 - ~~.23 The second instance of noncompliance without good cause shall result in a financial sanction which shall continue for three months or until the individual signs a participant contract or participates in the required activity(ies) in which he/she previously refused to participate, whichever is longer.~~
 - ~~.24 The third or subsequent instance of noncompliance without good cause shall result in a financial sanction which shall continue for six months, or until the individual signs a participant contract or participates in the required activity(ies) in which he/she previously refused to participate, whichever is longer.~~
 - ~~.25 To cure a sanction for noncompliance with an approved self-initiated program, an individual identified in Section 42-772.452, .453, or .455 must participate in job search services as specified in Section 42-772.8.~~
 - ~~.26 If a sanction period has continued for three (3) months, the CWD shall notify the individual in writing of his/her option to end the sanction by beginning (or resuming) participation. This notification is to be made no later than 10 working days prior to the end of the third month of the sanction.~~

- ~~.261~~ If this is the third or subsequent sanction, the individual shall be notified as specified in ~~Section 42-786.26~~ that the sanction can be ended only after completion of the six-month sanction period.
- ~~.3~~ During the sanction period, aid shall be discontinued to the individual or assistance unit as specified below:
- ~~.31~~ If the individual who failed or refused to participate is:
- ~~.311~~ A parent or caretaker relative in a family whose basis of deprivation is the absence or incapacity of a parent, his/her aid shall be discontinued, and aid shall be continued to the remainder of the family (refer to Section 42-786.5 and Section 44-309 for protective payments); or
 - ~~.312~~ One of several eligible children in the assistance unit, aid shall be discontinued for that child and aid shall be continued to the remainder of the family; or
 - ~~.313~~ The only eligible child in the assistance unit, aid shall be discontinued for only that child and aid shall be continued to the remainder of the family; or
 - ~~.314~~ A parent in a family whose sole basis of deprivation is the unemployment of the principal earner, his/her aid shall be discontinued. In addition, if the sanctioned parent's spouse or the second parent is not participating in the program, aid to the spouse or second parent shall also be discontinued except as specified in ~~Section 42-786.314(b)~~.
 - (a) For purposes of this section, full-time employment of at least 30 hours per week at minimum wage or above shall satisfy the participation requirement for the spouse or second parent as specified in ~~Section 42-786.314~~.
 - (b) For purposes of this section, the exemption criteria specified in Sections 42-795 through 42-796 shall not apply to the spouse or second parent. If the spouse or second parent meets any other exemption, deferral or good cause criteria, as described in Sections 42-788 through 42-794, 42-797 through 42-799, 42-761.3 through 42-761.4 or 42-782, he/she shall not be required to participate in order for his/her aid to continue.
 - (c) Aid shall be continued for any dependent children in the assistance unit in accordance with the provisions of ~~Section 44-309~~.
 - (d) If the spouse or second parent is participating in the program, his/her aid shall be continued, together with aid for any dependent children in the assistance unit.

- (e) ~~If the spouse or second parent chooses to participate after the financial sanction has been imposed, his/her aid shall be restored in accordance with Section 40-125.9.~~
- (f) ~~If the spouse or second parent chooses to participate and subsequently fails or refuses to comply with program requirements, after reinstatement of the sanctioned parent, the spouse or second parent shall be subject to the provisions of Section 42-781 and to the appropriate sanction identified in Section 42-786.2 or .7, if conciliation is unsuccessful.~~
- (g) ~~If the spouse or second parent chooses to participate and subsequently fails or refuses to comply with program requirements, prior to the reinstatement of the sanctioned first parent, he/she shall be subject to the provisions of Section 42-781 and this section.~~

~~.4 The discontinuance from aid shall become effective at the end of the month following the CWD's timely and adequate notification (see Section 22-022.1), except as specified in Section 42-786.41 below:~~

~~.41 If the recipient appeals the sanction through the state hearing process within the period of timely notification, no sanction shall be imposed until the hearing decision is reached. However, pending the hearing decision, GAIN supportive services shall be available to the recipient only at the level and in the form authorized by the county action under appeal. (See Section 42-750.12.)~~

~~.411 If the CWD's action is sustained, the discontinuance shall be effective at the end of the payment month in which the state hearing decision is received.~~

- (a) ~~If the CWD is unable to discontinue aid at the end of such month, aid shall be discontinued at the end of the following payment month.~~

~~.42 If an individual sanctioned under Section 42-786.22 agrees to participate by signing a participant contract, or by participating in the required activity in which he/she previously refused to participate during the period of timely notification, no sanction shall be imposed.~~

~~.5 (Renumbered to new Section 42-721.461.)~~

~~.6 (Renumbered to new Section 42-721.49.)~~

~~.61 (Renumbered to new Section 42-721.491.)~~

~~.62 (Renumbered to new Section 42-721.492.)~~

- ~~.7 Financial sanctions shall not apply to individuals who are exempt from participation but choose to voluntarily participate in the program.~~
- ~~.71 If a volunteer participant who is a member of a group listed under Section 42-720.635 engages in conduct which would result in sanctions for a mandatory participant, the individual shall not be given priority so long as other individuals are actively seeking to participate.~~
- ~~.72 If any other volunteer participant engages in conduct which would result in sanctions for a mandatory participant, the individual shall be precluded from participating in the program for a six-month period.~~
- ~~.8 The provisions of Section 42-786 shall not apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative. (For applicable sanctions see Section 11333.7(b)(1) of the Welfare and Institutions Code.)~~

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11327.4(d), (k), and (l), 11327.5(b), (c) and (d), and 11333.7(b)(1) and (2)(A), Welfare and Institutions Code; 45 CFR 250.30(b)(7); 45 CFR 250.34(e)(2) and (3); 45 CFR 255.2(h)(2); 54 FR 42173, October 13, 1989; and JOBS ACF AT 92-5.

Repeal Section 42-791:

~~42-791 EXEMPTION BASED ON ILLNESS OR INJURY (CODE 03)~~

~~42-791~~

~~.1 The Exemption~~

~~An individual who has an illness or injury is exempt from GAIN registration when the CWD determines that the illness or injury is serious enough to temporarily prevent the individual's entry into employment or training.~~

~~An individual who is able to work part time, but unable to work full time because of his/her illness or injury is included in this exemption.~~

~~.2 Documentation~~

~~This exemption is documented by any of the following:~~

~~.21 Any of the evidence listed under Section 42-793.2 for incapacity (Code 05) will support an exemption based on illness (Code 03).~~

~~.22 Any of the evidence listed under Section 42-793.21 for incapacity (Code 05) which is complete except that it fails to indicate a duration of the condition or where the duration of the condition is unknown will support an exemption based on illness (Code 03).~~

~~.23 In addition, an individual may be exempted based on Code 03 based on the CWD's observation when there is a sound basis for the observation and exemption.~~

~~.231 The CWD worker must sign and date a statement for the case record describing the observation which led to the exemption.~~

~~.232 The following are some examples:~~

~~(a) The worker observes that the individual's leg is in a cast or that he/she is confined to a wheel chair.~~

~~(b) The worker has information that the individual is scheduled for surgery in the near future.~~

~~(c) The worker has information that the individual recently had surgery, or is recovering from a recent accident.~~

~~.233 Minor ailments such as colds, broken fingers or rashes are generally not enough to exempt the individual under illness (Code 03).~~

~~.24 An individual may also be exempted based on Code 03 for one 30-day period when the individual believes the nonexempt determination is incorrect, and believes that he/she should be exempted on the basis of illness or incapacity. The period can be extended to 45 days when there is a legitimate delay in obtaining the medical appointment and/or the verification.~~

~~.3~~ Review

~~.31 Exemption under Code 03 must be reviewed every 30 days.~~

~~.32 If the exemption is based on .24 above, the exemption must be reviewed at the end of 30 days and, if extended, at the end of the additional 15 days. At this time, if the exemption based on illness or incapacity cannot be established, the individual automatically becomes registered (unless exempted on a different basis).~~

Repeal Section 42-794:

~~42-794 EXEMPTION BASED ON REMOTENESS (CODE 06)~~

~~42-794~~

~~.1 The Exemption~~

~~An individual is exempt when he/she is residing in a location which is so remote from a GAIN program activity that his/her effective participation in GAIN is precluded.~~

~~.11 An individual shall be considered remote if a round trip of more than two hours by reasonably available public or private transportation, exclusive of the time necessary to transport children to and from a child care facility, would be required for a normal work or training day, unless normal round trip commuting time in the area is more than two hours.~~

~~.12 If a normal round trip commuting is more than two hours, the round trip commuting time shall not exceed the generally accepted community standards. The county welfare department is responsible for defining that standard.~~

~~.2 Documentation~~

~~This exemption is documented by the CWD worker's statement explaining the reasoning of the exemption (i.e., distance or time required to travel to and from the registration point, the availability of transportation, etc.).~~

~~.3 Review~~

~~Review this exemption:~~

~~.31 At the annual reinvestigation, and~~

~~.32 Whenever the individual changes residence.~~

Authority cited: ~~Sections 10553 and 10554, Welfare and Institutions Code.~~

Reference: ~~Section 11310(b)(4), Welfare and Institutions Code, AB 312, Chapter 1568, Statutes of 1990.~~

Repeal Section 42-798:

~~42-798 EXEMPTION BASED ON WORKING 30 HOURS PER WEEK (CODE 10)42-798~~

~~.1 The Exemption (Code 10)~~

~~The individual is exempt when he/she is earning at least the state or federal minimum wage, whichever is higher, for working in unsubsidized employment that is providing, or is expected to provide, work of 30 hours or more per week and is expected to last at least 30 days.~~

~~.11 An individual who has qualified for this exemption, but who has a temporary break in employment not exceeding ten (10) business days shall continue to be eligible for this exemption.~~

~~.12 The minimum wage requirement in Section 42-798.1 shall apply to the net earnings of self-employed individuals, and it shall not apply during the first six months of self-employment or employment that is compensated by commission.~~

~~.2 Documentation~~

~~.21 This exemption shall be documented by recent paycheck stubs, or other statements from the employer(s) which show the number of hours worked.~~

~~.22 If the individual has recently started his/her current employment and has not yet received a paycheck, his/her signed statement that he/she is employed 30 hours or more per week is acceptable evidence for one 30-day period. The period can be extended to 45 days when there is a legitimate delay in obtaining paycheck stubs, e.g., the first payday falls on or after the thirtieth day.~~

~~.23 If the exemption is based on .22 above, the exemption shall be reviewed at the end of 30 days and, if extended, at the end of the additional 15 days. At this time, if the exemption based on Code 10 cannot be established, the individual automatically becomes registered unless exempt on a different basis.~~

~~.3 Review~~

~~This exemption shall be reviewed once a month utilizing the AFDC Monthly Eligibility Report (CA-7).~~

Authority cited: ~~Sections 10553 and 10554, Welfare and Institutions Code.~~

Reference: ~~Section 11320.3(b)(8), Welfare and Institutions Code.~~

Repeal Section 42-799:

~~42-799 EXEMPTION BASED ON VISTA PROGRAM PARTICIPATION 42-799~~
~~(CODE 11)~~

~~.1 The Exemption~~

~~An individual is exempt if he/she is a full time volunteer in the Volunteers in Service to America (VISTA) Program, as provided by Title I of the Federal Domestic Volunteer Act of 1973.~~

~~.2 Documentation~~

~~This exemption is supported by either of the following:~~

~~.21 A copy of a Domestic Volunteer Earnings Statement.~~

~~.22 A written verification from the VISTA sponsor or the Federal Region IX ACTION/VISTA Office.~~

~~.3 Review~~

~~Review this exemption:~~

~~.31 At the annual reinvestigation; and~~

~~.32 Whenever the individual ceases participation in the VISTA Program.~~

Authority cited: ~~Sections 10553 and 10554, Welfare and Institutions Code.~~

Reference: ~~Section 11310(b)(9), Welfare and Institutions Code, AB 312, Chapter 1568, Statutes of 1990; and 45 CFR 250.30(b)(10), (c)(1).~~